

PROPOSED AGENDA
COUNCIL MEETING

April 5, 2011

7:00 PM

CALL TO ORDER – Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

Agenda Packet Page

APPROVAL OF MINUTES

March 22, 2011 – Special Workshop Meeting	3
March 22, 2011 – Regular Meeting	9

PRESENTATIONS

A. Proclamation – Administrative Professionals Week	17
B. Yard and Business of the Month Beautification Awards	19
C. Oaths of Office – Fire Department –Platoon Training Officer William Lee and Fire Captain Terry Cruse	20
D. Oaths of Office – Police Department – Lieutenant Jason Bettis and Sergeant Norman Davis	24
E. Report to Council – Fire Safety Advisory Board	29
F. Progress Report – Highway 17 Association	31

PUBLIC HEARINGS

Legislative

1. 2011-2012 Annual Action Plan	47
2. Zoning Text Amendment – Section 108 Flight Path Overlay District – Height Restriction Exceptions	52
3. Rezoning from RM-6 to NB – 1900 Gum Branch Road	58
4. Voluntary Annexation Petition – John Stevenson - Toyota – 3124 New Bern Highway – 16.72-acres	76
5. Voluntary Annexation Petition – Mai Property (Bailey & Associates) – Hickory Road - .44-acre tract	95
6. Rezoning from RM-5 to CU-B-1 – 201 & 203 Hickory Road	114

Quasi-Judicial

7. Conditional Use Permit and Site Plan – International House of Pancakes – 2720 Richlands Highway	136
8. Special Use Permit and Site Plan – The Door Church – 431 Unit 1 Western Blvd.	154

PUBLIC COMMENT

NEW BUSINESS

CONSENT ITEMS

- | | | |
|-----|--|-----|
| 9. | Voluntary Annexation Petition – Kenneth Whichard – 1.39 Acres – Gateway Plaza | 167 |
| 10. | Site Plan with Approved Special Use Permit – Lejeune Honda – 2221 N. Marine Blvd. | 173 |
| 11. | Utility Agreement for Transportation Improvements Plan (TIP) Project – TIP Project U-4007A, White Street Extension | 183 |
| 12. | Amendment of Gantt Huberman Architect Contract – Public Safety Building | 191 |
| 13. | Submission of NPDES Phase II Fourth Annual Report | 234 |

NON- CONSENT ITEMS

- | | | |
|-----|---|-----|
| 14. | Authorization for Funding Digital Signage Replacement & Video Project | 239 |
|-----|---|-----|

PUBLIC COMMENT

REPORTS

City Council

Mayor

City Attorney

City Manager

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

March 22, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, March 22, 2011 beginning at 5:30 PM in Council Chambers of the Jacksonville City Hall. Present were: Mayor Pro-Tem Michael Lazzara, presiding; and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carolyn Lampe, Deputy City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Pro-Tem Michael Lazzara called the meeting to order at 5:52 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously approved to adopt the agenda as presented.

CIP REVIEW

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Wally Hansen, Infrastructure and Capital Projects Manager, provided an update on projects that were funded for fiscal year 2011 in the Capital Improvements Program (CIP). He reviewed the current status of the projects in terms of planning, design, and construction. Some projects were multiple year projects, while others could be completed in one year.

Mayor Pro-Tem Lazzara asked about the status of Fire Station #5. Mr. Woodruff stated that staff was currently in the process of identifying potential locations for consideration.

In regards to sidewalk projects, Henderson Dr. sidewalk was a carryover project from a prior CIP. There were challenges within the area from Onslow Drive to Highway 17, but the City was partnering with the MPO and NCDOT to find a workable solution.

Regarding the Castle Hayne well houses, Mr. Woodruff stated Council should be aware that a number of well houses were rejected and the contractors had to go back and complete substantial rehabilitation. This caused the delay in completion.

Council Member Coleman asked about the Market Street Park. Mr. Woodruff stated that the recreation equipment was no longer being utilized at the park, so it was declared surplus and donated to a lower income County neighborhood park. The City was currently looking at the feasibility of a public- private partnership to build one or two new homes on that property.

Councilman Thomas asked about the Parkwood Regional Lift Station. Mr. Hanson stated that in the modeling effort, staff was looking at what size the initial station should be and what improvements under the existing projects could be removed to offset costs. This would be brought forward for Council review.

Councilman Willingham expressed considerable concern about the Waterfront Park project proposed for Georgetown. He was disappointed in the City's latest actions to put the park project on hold. The City had specifically asked the Georgetown community for their input and recommendations on what they would like to see done in their neighborhood. There was a lot of participation and a lot of residents attended the three or four meetings on this topic. The result was a request for a waterfront access park, which the City had added to the CIP quite some time ago. The project had been moving along in an orderly process until a developer recently became interested in the same piece of property. Now it seemed there were new projects moving forward quickly that were not even in the CIP. He pointed out that in the Jacksonville Commons area, a pickleball court and a skateboard park were requested and the City delivered on those requests. Councilman Willingham said he did not see the same kind of response being given to the Georgetown Park project, and he did not think this was the message to send to citizens.

Mr. Woodruff commended staff for the number of projects they were working on. He wanted the public to know that staff had been trying to get started on Heritage Square before the rains to avoid flooding again this year; however, the hold-up had been getting signed easements.

Mayor Pro-Tem Lazzara asked about the Parkwood Stormwater project. He wanted to make sure there was proper oversight, since it was a very large project and could be quite disruptive to the neighborhood. Mr. Hansen stated that the contracts were set up with milestones

that had to be met and the contractors could only work in certain areas during certain times periods.

Using Exhibit A, Ron Massey, Assistant City Manager, discussed the proposed FY2012 CIP that had been provided to Council.

Councilman Bittner asked about the cost increase of the Public Safety Headquarters Facility for acquiring the land. He thought the cost of the land had been estimated in the original figure. Mr. Massey stated that more land was acquired than originally planned and as the project evolved, more buildings were acquired and torn down.

Mayor Pro-Tem Lazzara asked about the \$47 million figure for the Water Supply and Treatment Facility project. Mr. Massey stated that most of that figure had already been spent as the project was almost complete. No additional funds would be set aside.

Mr. Massey stated that the Hargett Street water line replacement was a new project. It was brought forward so that the water main could be replaced before the State started their resurfacing project. One of the opportunities with the NCDOT resurfacing was to look at lane re-configuration. One of the possibilities would be to reconfigure the road to a three lane cross-section with bicycle lanes; however, NCDOT may require the City to take over the maintenance of the street. This would be brought back to Council.

RECESS/RECONVENE

A motion was made by Councilman Bittner, seconded by Councilman Thomas and unanimously approved to recess the meeting at 6:42 PM and reconvene following the Regular Council Meeting.

Mayor Pro-Tem Michael Lazzara reconvened the Special Meeting at 7:51 PM.

Mr. Massey continued his review of the proposed FY2012 CIP. He stated there would be discussions regarding the Level of Service Master Plan concepts for types of parks. Mr. Woodruff stated that in early April, staff would bring to Council a report that looked at reconfiguring activities at several parks.

Mayor Pro-Tem Lazzara asked about the donation received for the Richard Ray Park. Mr. Woodruff stated it was a private donation by the Ray family to continue the planting and beautification of the park.

Councilman Warden stated that he would need more convincing on the Multimodal Transportation Center described because he was not sure of the vision of that facility.

Mr. Massey provided a quick review on the movement of projects including proposed timelines and the reasons for any movement. Regarding the Brynn Marr Area Storm Drainage Project, Mr. Woodruff stated that the cause of a lot of flooding in the area was due to the pipe under NC 24 that belonged to NCDOT. Until NCDOT had the improvement for the pipe in their 5 year plan, the City could not fund the project as they would receive no reimbursement. Mr. Woodruff wanted the public to know that the City was in no way trying to downplay the importance of the project. Mr. Massey stated there were interim things being done. NCDOT was installing an additional pipe across the entrance to Tarawa Terrace that would divert some of the flow and Camp Lejeune was putting a bridge on the Rails to Trails.

Councilman Warden asked if there was anything that the MPO/JUMPO could do to help. Mr. Massey stated they would look at that from a project standpoint to see if it could be added to a Transportation Improvement Plan (TIP.)

Mr. Massey reviewed next steps in the budget process including proposed budget workshop dates, as shown in Exhibit A. Mr. Woodruff stated one of the goals of the budget process was not to compress the process. The dates were proposals only and the adoption date of June 7 could be changed as the budget did not have to be adopted until the end of June.

In response to questions from Councilman Bittner, Mr. Woodruff stated that today was the kickoff or overview of the budget. The key was to focus on the projects in FY2012. Fiscal years 2013 -2016 were mainly placeholders. The CIP would not be considered approved until Council adopted the Budget in June.

Mayor Pro-Tem Lazzara recommended a workshop as a follow-up, which would give Council time to review the CIP and to bring forward their comments and concerns.

Following discussion, Mayor Pro-Tem Lazzara asked for a prioritization of the projects. Councilman Warden asked if the numbers shown on the project sheets indicated priority ranking. Mr. Massey stated that the current numbers shown were determined by commitment, not by priority. Mr. Woodruff stated that a priority listing would be prepared and a follow-up workshop would be set.

LAND DEVELOPMENT CODE REVISIONS

Mr. Woodruff stated that during Council's goal setting session, staff was asked to look at the 25,000 square foot rule (Site Plan Thresholds) – if the project had more than 25,000 sq. ft., it

was to be brought to Council for approval. Potential changes to the Code were presented to the Planning Board at their last meeting.

Using Exhibit A, Reggie Goodson, Development Services Director, reviewed proposed amendments to Section 112 - Site Plans providing both pros and cons to the amendments.

Mayor Pro-Tem Lazzara stated he had received several calls from Planning Board members prior to their meeting. Mr. Woodruff stated that the Planning Board had several concerns relative to their role. It was explained to them that while they reviewed and discussed these items, there was very little alteration they could make to the proposals. It was also stressed that currently the Planning Board was more of a development review board. While the members did not want the Board to become less important, there was a feeling after the discussions that these changes could free their time for more planning rather than simple reviewing.

Mr. Goodson stated that they had been working on the UDO for the past three years and one of the goals of the UDO was to streamline the development process. The requested revisions would do that and developers had indicated this could free up 60-90 days in their development timelines which would benefit them greatly.

Councilman Thomas stated that several years ago he had requested information on this issue and had found that there were only two site plans that came to Council since 1998 that had not been approved. He felt the change was a good idea because Council could review site plans over 25,000 square feet in the Management Report as they currently did for those under 25,000 square feet.

Councilman Bittner stated he was all for streamlining, but was not sure this was the best way to go about it. He wanted the residents to be aware of what was happening, but at the same time did not want to put approval power in the hands of unelected officials. Mayor Pro-Tem Lazzara agreed with Councilman Bittner that the amendment would take away the right of the public to speak for or against the site plan. He was not comfortable with leaving the public out.

Mr. Carter stated that Council's role in regard to site plan review was a ministerial role. If the site plan met Code requirements, Council had no choice but to approve the site plan. The only option was if the site plan was associated with a Special Use Permit, which allowed Council the ability to place reasonable conditions on the Site Plan.

Following discussion, it was the consensus of Council to express general support for the proposal; however, they would like Staff to provide additional details and information at a future workshop before making a final decision on this proposal.

ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to adjourn the meeting at 8:48 PM.

COUNCIL MINUTES

REGULAR MEETING

March 22, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, March 22, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Pro-Tem Michael Lazzara presiding; and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Mayor Sammy Phillips was out of town. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carolyn Lampe, Deputy City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Pro-Tem Michael Lazzara called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Council Member Fannie Coleman led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the amended agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held March 8, 2011 as presented, and the minutes of the Regular Meeting held March 8, 2011 as presented.

PRESENTATIONS

ADMINISTER OATH – PROMOTION OF ASHLEY LADONNA WEAVER TO CAPTAIN

Mayor Pro-Tem Lazzara reviewed the qualifications and past law enforcement services for Captain Ashley Weaver. Mayor Pro-Tem Lazzara then administered the Oath of Office while Captain Weaver's husband held the Bible and then pinned on her Captain badge. Police Chief Mike Yaniero stated he was looking for great things from Captain Weaver.

REPORT TO COUNCIL – BOARD OF ADJUSTMENT

Mr. Gary Herbold, Chairman of the Board of Adjustment, provided a brief report about the Board of Adjustment. He stated that even though there were no cases reviewed during the last calendar year, several administrative and training meetings were conducted for the members. At the February 23, 2011 meeting, a side set-back variance was granted in order to restore a non-conforming single family dwelling that was damaged by fire. Councilman Jerry Bittner is the Council Liaison to the Board of Adjustment.

PUBLIC COMMENT

Kevin O'Conner, 210 Newport Drive, expressed concern that the permitted pH limit requirement for the Land Treatment Site was not followed and felt DENR did not do their job in enforcing the limit. Mr. O'Conner stated that the City needed to set their priorities on "needs" and not on "wants".

NEW BUSINESS

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – MAI PROPERTY (BAILEY & ASSOCIATES) – HICKORY ROAD - .44-ACRE TRACT

At the March 8, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from Bailey & Associates on behalf of Phillip and Claudia Mai. This was a .44-acre tract that was contiguous to the current City limit boundaries. The site was located along Hickory Road adjacent to the Tractor Supply Store property. The site was proposed to provide additional parking facilities for a 6,000 square foot commercial development adjacent to and fronting on US Hwy 258. The commercial parcels were already located within City limits and were the proposed site of a future IHOP restaurant and tenant spaces. The City Clerk had conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area. As provided in

North Carolina General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the April 5, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-10, Bk. 6, Pg. 384

VOLUNTARY ANNEXATION PETITION – JOHN STEVENSON PROPERTY
(TOYOTA) – 3124 NEW BERN HIGHWAY – 16.72-ACRES

At the March 8, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from John O. Stevenson for a 16.72-acre tract located in the Extraterritorial Jurisdiction and contiguous to the current City limit boundaries. The parcel was located at 3124 New Bern Highway and was the site for future development of an 85,079 square foot automobile sales center. The City Clerk had conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area. As provided in North Carolina General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the April 5, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-11, Bk. 6, Pg. 385

VOLUNTARY ANNEXATION PETITION – KENNITH WHICHARD – 1.39 ACRES –
GATEWAY SOUTH

On behalf of Kennith P. Whichard, Jr., John Pierce and Associates had submitted a voluntary annexation petition for a 1.39-acre tract that was contiguous to the current City limit boundaries. The site was located adjacent to the Target Shopping Center, along Gateway South and future Western Parkway. The site was a portion of a larger property proposed for a future Kohl's Department Store. The dedicated right of way for Western Parkway abutting the annexation site would be automatically included in the annexation process. The first step in the voluntary annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2011-12, Bk. 6, Pg. 387

SALE OF PROPERTY – PREPARE DEED OF TRANSFER – RAY DEVELOPMENT
& CONSULTING, LLC

Mr. Cliff Ray, Ray Development and Consulting, LLC, had submitted an offer and proposed agreement to purchase +/- 2.50 acres of City owned property located in the

Jacksonville Business Park, along with a proposed Purchase and Option Agreement for an additional 3.95 acres within two years of closing on the original purchase. At the March 8, 2011 meeting, Council added a condition to the Agreement “That the option cannot be exercised until the buyer has pulled a building permit on the 2.5 acre tract.” A Resolution was also adopted authorizing advertisement of the offer through the upset bid process. The details of the Proposal and the upset bid information were published in the Jacksonville Daily News. The deadline to submit upset bids was March 21, 2011. No upset bids were received by the deadline. Council reserved the right to reject any and all offers at any time. Council approved the Purchase and Option Agreement, and authorized the City Attorney to prepare the Deed of Transfer.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Marine Broadcasting Co.; Maynard Manor, Phase VI; and The Gables. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

TAX RELEASES, REFUNDS AND WRITE-OFFS

The County/City Tax Collector and City’s Finance Director recommended releases, refunds, and write-offs of property taxes respectively \$23,328.81, \$4,216.35, and \$54.75 (\$27,599.91). The detail list of these tax releases and refunds was available in the Finance Office for review.

Council approved the tax releases, refunds and write-offs.

ESTABLISHMENT OF THE 2010 REDESTRUCTING COMMITTEE

After each Census, the City was compelled to review the population of the wards and to determine if the deviation from an ideal ward size was significant. Such a review was undertaken when the redistricting data was released from the US Census Bureau and the Jacksonville wards were found to be significantly out of alignment from the ideal ward size. At the January 4, 2011 workshop, Council instructed staff to develop a committee to recommend realignment of the City’s wards and to receive public input before doing so. Staff was assigned by Council and the concept presented for study, input and realignment activities were endorsed.

Council adopted the Resolution; named the following persons to the Committee: Robert Sandy, Chairman; Ernie Wright, Vice Chairman; Robert Warlick, member; Homer Spring, member; Tiffany Burgess Choice, member; Margaret Brown, alternate member; and Jan Bean Slagle, alternate member; and authorized assigned staff to begin the process.

Resolution 2011-13, Bk. 6, Pg. 388

FY11-12 COMMUNITY DEVELOPMENT BLOCK GRANT CONSTRUCTION APPLICATIONS

Two applications for Community Development Block Grant (CDBG) funding construction projects had been received. The review process had been completed and the staff recommended that the City consider recommendations for funding.

Council approved the application submitted by East Carolina Community Development, Inc.

NON-CONSENT ITEMS

CITY CODE AMENDMENT – NOISE ORDINANCE

Chief Michael Yaniero, Jacksonville Police Department, stated that while responding to recent noise complaints, the Police Department had discovered that a more comprehensive approach was needed in the current Noise Ordinance to address sound pressure levels of noise, specifically the low level frequencies (bass – “base”). These low level frequencies, which caused vibration, were the basis of the majority of recent noise complaints received by the Police Department.

The amended Ordinance provided to Council was based on figures taken from Rutgers University studies. After the field trip last Thursday evening where several Council members toured the neighborhood around the Hooligans establishment with police, Chief Yaniero stated the amended Ordinance was revised to reflect findings that evening from the sound meters.

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Chief Yaniero stated that the “A” rating, which measured just sound, remained the same; the “C” rating was added for sound amplification registering 70 decibels (dB) at any time; and language from the Rutgers study was also added regarding measurements taken at multi-family housing.

Based on discussions during the field trip, it was concluded that four consecutive readings of thirty (30) seconds each would be taken, the meter would be calibrated between each reading, and all four readings had to exceed the allowed limit to create a violation.

Mayor Pro-Tem Lazzara thanked Chief Yaniero and his staff for inviting Council to be physically present and involved in the process. He thanked the residents who allowed them on their property. The goal was to find a win-win for the property owners and business owners.

Councilman Warden also thanked JPD for taking Council on the field trip to experience the effects of the different sound levels. He knew that the Rutgers study and field testing were being relied on, but he hoped this would address the issue. He commented that they were still experimenting and the dB level decided on was a guess.

Councilman Willingham asked how this would affect Concerts in the Park. Chief Yaniero stated there would be no effect. If it was a City or County sanctioned event, the Ordinance did not apply. If it wasn't a sanctioned event, the organizer could seek a permit for the event. Part of the process was putting the burden on the person applying for the permit to talk to the neighbors, letting them know the date and times of the event and getting their approval. If there was a problem with noise during the event and the noise level was not adjusted, the permit could be revoked. The permit could be revoked without sound testing if it was particularly bothersome to the neighbors.

A motion was made by Councilman Bittner and seconded by Council Member Coleman to adopt the City Code Noise Ordinance amendments as presented.

Councilman Willingham asked if the owners of Hooligans supported the amended Ordinance. Mayor Pro-Tem Lazzara stated that an owner/representative was at the demonstration Thursday evening and was part of the hopeful solution. Mr. Woodruff stated that he had a meeting on Friday morning with two police officers and the owner of Hooligans. The owner stated he supported the Ordinance and understood his goal was not only to stay in business, but to be a good neighbor. Mr. Woodruff stated they knew there may still be some issues since every song had a different impact, but everyone involved including staff, Council, owner and neighbors have been educated.

Councilman Willingham commended everyone on their effort, but had concerns. His observation from the demonstration at the last workshop was that there were notes within R&B music that were registering in the 80 dB range. It wasn't the notes that were creating the problematic sound, but the subwoofer. R&B was rhythm based with a different impact. The result was that a particular type of music would be targeted. He noted that the business owner was doing everything we asked regarding sound, but there was still a problem.

Mayor Pro-Tem Lazzara stated the intent was not to single out any particular type of music, but it was the bass notes that were creating a vibration that was disturbing to the residents. The low bass was the irritation.

A vote was taken on the motion and was approved on a 5-1 vote, with Councilman Willingham voting “nay.”

Ordinance 2011-19, Bk. 10, Pg. 313

PUBLIC COMMENT

Carmen Spicer, 103 Cottage Grove Circle, asked about the Noise Ordinance in relation to Downtown Alive events. BOLD did seek a permit, but asked what would happen if there were neighbors in opposition. Mr. Woodruff stated he would meet with Ms. Spicer after the meeting to discuss the issue.

REPORTS

LAND TREATMENT SITE

Mr. Woodruff stated that the first control burn at the Land Treatment Site had been rescheduled twice because of wind conditions, but he hoped within the next week they would be able to start the control burn.

NATIONAL LEAGUE OF CITIES CONFERENCE REPORT

Councilman Willingham stated he attended the National League of Cities Congressional Conference. One highlight of the event was the North Carolina delegation meeting with Senator Kay Hagan. The main focus of the North Carolina delegation was saving the Community Block Grant Funds. Not only was there a cut in President Obama’s budget, but in House Bill HR-1 there was a proposed \$2.5 billion cut. The NC delegation voted for the cut along party lines, but Walter Jones voted against it. Councilman Willingham applauded him for voting his conscience. The Senate indicated that they were not going to pass House Bill HR-1, but the future of CDBG funds was still in question. The City was doing good things with CDGB funds and we needed to lobby against those cuts.

Mayor Pro-Tem Lazzara agreed with Councilman Willingham’s comments. He felt it would be a shame to loose CDBG funding and we needed to continue to talk to our legislators.

BOARD OF ADJUSTMENT VARIANCE

Councilman Bittner commented on the Board of Adjustment’s most recent case which dealt with a property owner who was not granted a permit to rebuild his home that was damaged

by fire because it was found that it encroached the side yard set-back by nine inches. The building was in compliance when the property was annexed into the City, but the City standards have since changed. After review of all the details, a variance was granted.

CIVIC AFFAIRS COMMITTEE - REDISTRICTING

Councilman Bittner stated that as part of the Civic Affairs Committee, the redistricting committee would be meeting soon to bring into alignment the four wards which, according to recent Census information, were no longer in equal standing.

ONWASA UPDATE

Councilman Bittner reported that ONWASA voted 4-3 not to hire a search firm and would begin searching for a new executive director in-house.

ETJ BOUNDARY

Councilman Thomas stated he had a request from a citizen for the procedure on how the City could reduce the ETJ. Mr. Carter stated he would talk to Councilman Thomas about the situation. The law said the ETJ should follow boundary lines and Council had the authority to remove property from the ETJ depending on the circumstance.

.ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 7:44 PM.



City Council Presentation

Presentation Item: A Date: 4/5/2011
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Subject: Proclamation – Administrative Professionals Week

Department: Mayor's Office

Prepared by: Carmen Miracle, City Clerk

Presentation Description

This year marks the 59th annual observance of Administrative Professionals Week (April 24-30, 2011) and Administrative Professionals Day (Wednesday, April 27).

Administrative professionals represent one of the largest occupations in the U.S. economy and are vital contributors in today's team-oriented work environment. Administrative professionals include secretaries, administrative assistants, executive assistants, office managers and other administrative support staff

The City of Jacksonville is proud to recognize the local Chapter of the International Association of Administrative Professionals (IAAP), the Jacksonville-Onslow-Lejeune (JOL) Chapter.

Members of the JOL Chapter will be present to accept the award.

Action

Recognize Deb Forney, President and other JOL Chapter members that are in attendance to receive the Proclamation.

Attachments:

A Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, administrative professionals play an essential role in providing the support system of business, government, educational institutions, and other organizations; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, organization, computer and office technology, customer service and other vital office management responsibilities; and

WHEREAS, many times administrative professionals are the “voice” or “face” of an organization offering the first impression to customers and visitors when they greet, direct or assist them or providing the last impression as they leave; and

WHEREAS, Administrative Professionals Week is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals (IAAP);

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proclaim the week of April 24 through April 30, 2011 as,

"ADMINISTRATIVE PROFESSIONALS WEEK"

in the City of Jacksonville, and I urge all citizens to join me in saluting the valuable contributions of administrative professionals in the workplace.

Mayor

Attest: _____

City Clerk

Attachment

A



City Council Presentation

Presentation	
Item:	B
Date:	4/5/2011

Subject: Yard and Business of the Month Beautification Awards

Department: Recreation and Parks

Prepared by: Michael Liquori, Recreation and Parks

Presentation Description

Evelyn Tallman residing at 209 Fenton Place and Dr. Karen Armstrong and Dr. Bethany Tant of Karen J. Armstrong, D.M.D. and Bethany K. Tant, D.D.S. General Dentistry, 3160 Henderson Drive, have been recommended to receive a Yard of the Month award from the Beautification and Appearance Commission for outstanding personal and business property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

Evelyn Tallman will be present to accept the award.

Dr. Karen Armstrong and Dr. Bethany Tant will be present to accept the award.

Action

Present Residential Yard of the Month Award to Evelyn Tallman.

Present Business Yard of the Month Award to Dr. Karen Armstrong and Dr. Bethany Tant of Karen J. Armstrong, D.M.D. and Bethany K. Tant, D.D.S General Dentistry.

Attachments:

None



City Council Presentation

Presentation Item: C Date: 4/5/2011
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Subject:	Promotion of William Lee to Platoon Training Officer and Terry Cruse to Fire Captain
Department:	Fire
Prepared by:	Rick McIntyre, Fire Chief

Presentation Description

Captain William Lee recently participated in an extensive written promotion process and was selected to be promoted to the rank of Platoon Training Officer.

Fire Driver/Operator II Terry Cruse recently participated in an extensive oral and written promotion process and was selected to be promoted to the rank of Fire Captain.

Action

Administer Oath of Office to Platoon Training Officer William Lee and Fire Captain Terry Cruse.

Attachments:

- A Oath of Office- Platoon Training Officer and Fire Captain
- B Biography – William Lee and Terry Cruse

William Lee

Oath of Office
For the
Jacksonville Fire Department

“I, **William Lee**, do solemnly swear (or affirm) that I will be alert and vigilant in performing my duties as a member of the City of Jacksonville Fire Department; that I will not be influenced in any matter on account of personal bias or prejudice; that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; and that I will faithfully and impartially discharge and execute the duties of my office as Platoon Training Officer of the City of Jacksonville Fire Department according to the best of my skills, abilities, and judgment; so help me God.”

William Lee, Platoon Training Officer
Jacksonville, North Carolina

ATTEST:

Sammy Phillips
Mayor

NORTH CAROLINA
ONSLOW COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledge the due
execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires: _____

Attachment

A

Terry Cruse

Oath of Office
For the
Jacksonville Fire Department

“I, **Terry Cruse**, do solemnly swear (or affirm) that I will be alert and vigilant in performing my duties as a member of the City of Jacksonville Fire Department; that I will not be influenced in any matter on account of personal bias or prejudice; that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; and that I will faithfully and impartially discharge and execute the duties of my office as Fire Captain of the City of Jacksonville Fire Department according to the best of my skills, abilities, and judgment; so help me God.”

Terry Cruse, Fire Captain
Jacksonville, North Carolina

ATTEST:

Sammy Phillips
Mayor

NORTH CAROLINA
ONslow COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledge the due
execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires: _____

Biography – William Lee and Terry Cruse

William C. Lee joined the Jacksonville Fire Department on May 23, 1990, as a Firefighter Trainee. As he gained more experience, he realized the importance of training; he worked to improve his own knowledge and the ability to share that knowledge with others. By working tirelessly to support the department's goals, he has become a highly respected member of the Fire Department. He is a NC State Certified Paramedic with the Onslow County Emergency Medical Services since December 2003. He's a certified Fire Firefighter I, II, and III, EMT Paramedic, Fire Instructor Level II, Fire Inspector Level I, Emergency Vehicle Driver, Hazardous Materials Level I, Advanced & Basic Rescue Technician, Emergency Rescue Technician, and a Public Information Officer. He also has a 1-year certificate in Fire Protection Technology from Coastal Carolina Community College.

He has continuously moved upward through the Fire Service and is being promoted to Platoon Training Officer. After an extensive written promotion process he was selected to be promoted to the rank of Fire Training Officer, for the City of Jacksonville Fire Department.

Captain Lee is married to Angela Lee. They have two daughters, Dannielle and Dannicka and two sons, Zachary and Adam and 1 grandson Demari.

Terry Cruse joined the Jacksonville Fire Department on December 9, 1986, as a Firefighter Trainee. He advanced to a Firefighter I, II, and III within three years. He became a Driver/Operator I in September 1993, a Driver Operator II in March 1999.

He is certified in Fire Protection Hazardous Materials Level I & II, Emergency Vehicle Driver, Emergency Rescue Technician, Fire & Life Safety Educator II, Advanced & Basic Rescue Technician, and Firefighter Level I & II.

Driver/Operator II Cruse is married to Alicia Cruse. They have two daughters, Terri and Shauntae.

Attachment

B



City Council Presentation

Presentation	
Item:	D
Date:	4/5/2011

Subject: Oaths of Office – Police Department – Lieutenant Jason Bettis and Sergeant Norman Davis

Department: Police Department

Prepared by: Michael G. Yaniero, Chief of Police

Presentation Description

The current promotional succession at the police department has created a vacancy for the positions of Lieutenant and Sergeant.

Applications were received and reviewed. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews.

Sergeant Jason Bettis has been selected for promotion to the rank of Lieutenant.

Corporal Norman Davis has been selected for promotion to the rank of Sergeant.

Action

Administer Oaths of Office to Lieutenant Jason Bettis and Sergeant Norman Davis.

Family Members to Participate in Badge Pinning Ceremony

Attachments:

A Oaths of Office – Lieutenant Bettis and Sergeant Davis



Presentation Information

Presentation
Item:

D

Oath of Office – Lieutenant Jason Bettis and Sergeant Norman Davis

Biography – Jason Grant Bettis

Jason Bettis

Wife: Michele

Children: Tyler and Marc

Jason Grant Bettis is a native of Vermont and moved to Jacksonville in 1979. Jason grew up here, graduating from Southwest High School in 1989. While serving in the Air Force, Jason earned his Bachelor of Science Degree in Criminal Justice from the University of Nebraska at Omaha.

He began his law enforcement career with the Jacksonville Police Department in 1996, serving as a Patrol Officer, Traffic Officer and Investigator. In 2001, he left the department to work for the Slidell (Louisiana) Police Department, in the capacity of a Patrol Officer, Full Time Academy Instructor and K-9 Handler, returning to JPD in 2007. At that time, he was assigned to the Uniform Patrol Division and as a detective in the Special Operations Division. In May of 2008, he was promoted to the rank of Sergeant and assigned to supervise the CRT division, then transferring in 2009 to the Investigative Services Division as his current assignment as the Division Sergeant.

Lieutenant Bettis received his Advanced Certificate from NC Training and Standards in August of 2007. He is an accomplished police instructor with certifications in General Instruction, Firearms, Taser and SCAT (Subject Control Arrest Techniques).

Michele Bettis, his wife of 11 years, will pin on his Lieutenant badge.

His son, Tyler, will hold the bible for the Oath.

Biography – Norman Sachell Davis

Norman Sachell Davis

Wife: Monique Davis

Mother in Law: Marilyn Gross

A native of the Bronx, New York and a Marine Corps Veteran, Norman Davis began his law enforcement career with the Jacksonville Police Department in June of 1998 as an officer in the Uniformed Patrol Division.

Sergeant Davis was transferred to the Community Services Division as a School Resource Officer in 2001 serving students at New Bridge Middle, Northwoods Park Middle and Jacksonville Commons Middle schools

In 2006, he accepted a specialized assignment as the department's GREAT (Gang Resistance Education and Training) Officer, utilizing his knowledge, skills and expertise to positively impact the youth of our community.

Sergeant Davis received his Advanced Law Enforcement Certificate from the NC Training and Standards Division in August of 2010 and was promoted to the rank of corporal in October of 2010.

Monique Davis, his wife of 26 years will be pinning on his badge

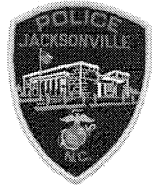
His mother in law, Marilyn Gross, will hold the bible.

CITY OF JACKSONVILLE

NORTH CAROLINA



Michael Yaniero
Chief of Police



**Department of
Police**

**Office of
Chief of Police**

Oath of Office
as Police Lieutenant
of the
Jacksonville Police Department

I, **Jason Grant Bettis**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Lieutenant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 5th day of April 2011.

Signed _____
Lieutenant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONSLOW COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires

Attachment

A



P.O. Drawer 436 • Jacksonville, N.C. 28541-0436 • (910) 455-1472 • FAX #
(910) 455-9987

AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

CITY OF JACKSONVILLE

NORTH CAROLINA



**Department
of Police**

Michael Yaniero
Chief of Police



**Office of
Chief of Police**

Oath of Office
as Police Sergeant
of the
Jacksonville Police Department

I, **Norman Sachell Davis**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sergeant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 5th day of April 2011.

Signed _____
Sergeant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONSLOW COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires



**P.O. Drawer 436 • Jacksonville, N.C. 28541-0436 • (910) 455-1472 • FAX #
(910) 455-9987
AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY**



City Council Presentation

Presentation Item: E Date: 4/5/2011
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Subject: Annual Report to Council – Fire Safety Advisory Board

Department: Fire

Prepared by: Rick McIntyre, Fire Chief

Presentation Description

Mr. John Worrell, Chairperson of the Fire Safety Advisory Board will be in attendance to provide a brief presentation to the Council.

City Council Member Jerry Bittner is the Council Liaison to the Board.

Action

Recognize Chairperson John Worrell to present the report

Attachments:

None



Presentation Information

Presentation Item: E

Annual Report to Council Fire Safety Advisory Board

Mission

The purpose of the Fire Safety Advisory Board shall be to research and recommend methods to enhance and improve fire protection and life safety for the community. The board may also submit recommendations for revising and amending local ordinances pertaining to fire protection and life safety.

Membership

The Fire Safety Advisory Board consists of ten (10) members. Board members shall be representatives of the following industries, trades, professions or categories:

- General Business
- Marine Corps Base Camp Lejeune
- Developer
- Health Care Industry
- Petroleum/LP Gas Industry
- Fire Service Representative (active or retired)
- Fire Protection Systems Contractor
- Hotel/Motel
- Resident of the City At Large
- Property Insurance

The Fire Safety Advisory Board meets on the second Thursday of January, April, July, and October, or at such time as the chairman may determine.



City Council Presentation

Presentation Item:	F
Date:	4/5/2011

Subject: Progress Report - Highway 17 Association

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

Mr. Marc Finlayson, Executive Director, Highway 17 Association will be present to provide a short progress report and answer questions.

Action

Recognize Mr. Marc Finlayson, Executive Director, Highway 17 Association to provide the Report

Attachments:

A Hwy 17 Goals Progress Report

Highway 17 Association

Mission Statement and Goals

2009 – 2010

October 1, 2009 – September 30, 2010

Mission Statement

It is the mission of the Highway 17 Association to assure, through collective action and constancy of purpose, that the inclusion and funding of all unfunded portions of the US Highway 17 corridor shall be part of the NC Department of Transportation's 2011 Transportation Improvement Program (TIP) or as soon thereafter as possible.

The Highway 17 Association will accomplish its mission by:

- Protecting Highway 17 projects now fully funded in the TIP.
- Being regional in vision and scope and not advancing one local project at the expense of another.
- Anticipating and resolving local issues and concerns, and facilitating solutions where local conflicts exist.
- Helping the DOT solve problems in planning, design, right-of-way acquisition and construction, in order to advance Highway 17 projects.
- Being an active partner with federal, state, regional and local stakeholders who share an interest in the completion of a fully controlled access, four-lane Highway 17 from Virginia to South Carolina.

Attachment

A

Highway 17 Association

Mission Statement and Goals

Goals, Strategies and Tactics

Government Relations 2009 - 10

- Continue to meet regularly with County and City governing bodies in the Highway 17 corridor to keep elected officials apprised of progress and to address issues or concerns.
 - Who: Marc Finlayson
 - When: Throughout 2009-10 as appropriate.

Progress 10/1/09 – 12/31/09: Since the beginning of the Association's fiscal year (October 1, 2009) Finlayson has made a concerted effort to expand support for the Highway 17 Association among local governments who have here-to-fore not been official members. Working through tourism professionals in the northeast region, Finlayson secured financial support from both Camden and Pasquotank Counties for 2010. Finlayson met with Sabrina Bengel, newly elected alderman from the City of New Bern to discuss continued support. At the public hearing in Maysville on R-2514, Finlayson had a chance to visit with Jones County Commissioners Joe Wiggins, Sondra Riggs and Jesse Ray Eubanks and Onslow County Commissioner Bill Keller. Highway 17 board members Lionell Midgett (Onslow Commissioner), Jay Bender (Pollocksville Mayor) and Larry Meadows (Jones County Economic Developer) also attended. Mickie Wilson has begun setting up local government briefings for Finlayson. Dates for Brunswick County and the City of Jacksonville have been confirmed.

Progress 1/1/10 – 3/31/10: In keeping with our annual requests to local governments for financial support for the Association's work, Finlayson made presentations to the Boards of Commissioners in Pender, Brunswick, Jones, Beaufort, Martin, Onslow, Bertie, Pasquotank and New Hanover Counties. Finlayson also made presentations to the following municipalities: Pollocksville; New Bern; Jacksonville; Washington; River Bend and Edenton. In addition to the formal presentations, Finlayson met separately with the new Mayors of New Bern and Washington, Lee Bettis and Archie Jennings respectively. The meeting with Mayor Jennings was facilitated by Association board member Zoph Potts. Finlayson also met Jeff Hudson, the new Manager of Onslow County, along with board member Lionell Midgett. Along with board member Steve Biggs, Finlayson met with Chowan County Manager Peter Rascoe and Perquimans County Manager Bobby Darden, as well as Hertford Town Manager John Christensen. Finlayson also met briefly on separate occasions with Windsor and Williamston Town Managers Allen Castelloe and Eric Pearson. Finlayson took a call and answered questions from Beaufort County Commissioner Al Klemm and provided information to Craven County Commissioner Steve Tyson in order to assist the US 70 Commission. Many Beaufort County elected officials and some from neighboring counties participated in the dedication of the new Tar River bridge, named for former state Senator and long-time Washington Daily News publisher Ashley Futrell. Numerous county and municipal elected officials and key staff attended the Highway 17 Association annual meeting in March.

Progress 4/1/10 – 6/30/09: Finlayson made a presentation to the Williamston town board.

Progress 7/1/10 – 9/30/10: Along with board member Zoph Potts, Finlayson met with Beaufort County Manager Paul Spruill and Commissioner Robert Cayton to discuss the county's ongoing support for the Association. Finlayson met with New Bern Alderman Sabrina Bengel to discuss the city's ongoing support. Mickie Wilson followed up with the local government partners in the corridor to ascertain their levels of support for the organization for 2011, so that a budget could be proposed. Following the August meeting of the Association's Board of Directors, Finlayson drafted a resolution of support and cover letter to encourage our local government partners to endorse the Association's efforts to secure funding for an economic impact study for the corridor. Thus far, the Association has received resolutions from Beaufort, Bertie, Brunswick, Camden, Craven, Martin, Pasquotank and Perquimins Counties and the cities or towns of Edenton, Jacksonville, Pollocksville, River Bend, Washington, Williamston and Windsor.

- Continue to meet regularly with the DOT Board members representing the Highway 17 corridor and with key DOT staff to stay up to date on progress, issues and concerns.
 - Who: Marc Finlayson.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson participated in the regular quarterly briefing on Highway 17 projects held in conjunction with the October DOT Board meeting in Raleigh. New Board of Transportation members Hugh Overholt (Division 2) and Leigh McNairy (at-large) participated, along with Stan White (Division 1) and Lanny Wilson (Division 3). Mr. White was named Chairman of the Highway 17 Committee for NCDOT. Rob Hanson, Project Development Engineer for eastern North Carolina conducted the meeting, joined by Jerry Jennings, Neil Lassiter and Allen Pope, Chief Division Engineers for Divisions 1,2 and 3 respectively. At this particular meeting DOT Chief Operating Officer Jim Trogdon participated in order to discuss the upcoming public hearing for the R-2514 project in Jones County. Finlayson met with Neil Lassiter in Greenville to discuss the R-2514 hearing in more detail. Finlayson participated in the public meeting in Bear Grass on the R-2511 project (Washington to Williamston) where he met with project manager Olivia Farr, as well as DOT staff from Divisions 1 and 2. Finlayson presented prepared remarks on behalf of the Association at the public hearing in Maysville on the R-2514 project; specifically the Association's preference for alternative 2A bypassing both Maysville and Belgrade. At the Jones County hearing Finlayson met with project manager Mark Pierce to discuss progress and timing. Along with several other transportation leaders, Finlayson met in Raleigh at DOT with Transportation Secretary Gene Conti, COO Jim Trogdon and Deputy Secretary Susan Coward to discuss the funding outlook for transportation projects in 2010 and beyond.

Progress 1/1/10 – 3/31/10: Finlayson participated in the regular quarterly briefing on Highway 17 projects held in conjunction with the January DOT Board meeting in Raleigh. Board of Transportation members Stan White, Hugh Overholt and Leigh McNairy participated, along with key DOT Raleigh and Division staff. Prior to presentations to Jacksonville and Onslow County, Finlayson met in Raleigh with project manager Zak Hamidi to get up to date information on the Jacksonville Bypass projects. Following his presentation to the New Hanover County Board of Commissioners, Finlayson met briefly with new Division 3 Board Member Mike Alford and Division 3 Chief Engineer Allen Pope who were also on the Commission agenda. Finlayson attended the dedication in Beaufort County of the new Tar River bridge in conjunction with the opening of a section of the Washington Bypass. DOT Secretary

Gene Conti dedicated the bridge and Division 2 Board member Hugh Overholt served as master of ceremonies. Staff from Divisions 1 and 2 attended, along with Division 4 DOT Board member Gus Tulloss. Following the dedication of the Trent River draw bridge in New Bern, Finlayson met briefly with Secretary Conti, Division 2 Board member Hugh Overholt and Division 2 Chief Engineer Neil Lassiter. At the same event he spoke at greater length with Division 1 Board member Stan White, who chairs the Highway 17 committee of the DOT Board. They discussed the importance of keeping the Highway 17 committee intact and at work despite organizational and schedule changes taking place on the DOT Board. Finlayson shared the podium with Secretary Conti in Raleigh, as they announced the TRIP report on transportation for North Carolina. Finlayson represented NC Go! Finlayson attended the roll out of the new NCDOT Strategic Planning process in Kinston. Key Raleigh and Division DOT staff participated. Finlayson met afterward with Division 1 Chief Engineer Jerry Jennings to discuss the status of the R-2511 project between Washington and Williamston. In March, Finlayson joined a lobbying roundtable that meets monthly at DOT to discuss issues of importance. Participating for DOT were COO Jim Trogdon, CFO Mark Foster, Deputy Secretary for Budget and Intergovernmental Affairs Susan Coward, State Highway Administrator Terry Gibson, Legislative Liaison Johanna Reese and Technical Services Administrator Victor Barbour. Finlayson met with Highway Administrator Terry Gibson to discuss Gibson's remarks of behalf of DOT to the Highway 17 Association annual meeting. In addition to Gibson participating in the program, Division 1 and 2 Board members Stan White and Hugh Overholt attended, as well as staff from the three eastern NC Divisions.

Progress 4/1/10 – 6/30/10: Finlayson participated in the quarterly briefing on Highway 17 projects, which was postponed from April to May to give the new DOT Board leadership a chance to assess and schedule committees to the Board, including the Highway 17 Committee. Chairman Stan White (Division 1) announced that the Highway 17 Committee was considered a regional model for partnership and had been endorsed by Sec. Gene Conti and new Board Chairman Bob Collier. White, Hugh Overholt (Division 2) and Mike Alford (Division 3) participated along with Jerry Jennings, Neil Lassiter and Allen Pope, Chief Division Engineers for Divisions 1, 2 and 3 respectively and other key administrative staff from DOT in Raleigh. Finlayson introduced Governor Beverly Perdue at a news conference in Raleigh to promote the Governor's Mobility Fund. Sec. Conti was also on the program and was accompanied by ten of the 17 DOT Board members from around the state. Finlayson was invited to address the Board of Transportation at its July monthly meeting, held June 30 in New Bern. Division 2 hosted the meeting and took the opportunity to share with the Board the many projects underway in the Division and the several key partnerships unique to Division 2. Finlayson was introduced by Division 2 Chief Engineer Neil Lassiter. Finlayson told the Highway 17 story and talked about the ways in which the Highway 17 Association partners with DOT to the benefit of both organizations. Highway 17 Association board members Robert Cayton, Bob Mattocks and Paul Spruill attended the DOT Board meeting. Finlayson participated in a policy briefing at DOT in Raleigh along with leaders of other transportation related trade associations from across the state. Chief Financial Officer Mark Foster, Technical Services Administrator Victor Barbour, Deputy Secretary for Administration and Business Development Anthony Roper and Chief Engineer Jon Nance represented NCDOT in what will be a regular briefing. On several occasions Finlayson met with COO Jim Trogdon and Deputy Secretary Susan Coward to discuss the Mobility Fund.

Progress 7/1/10 – 9/30/10: Finlayson participated in the quarterly briefing on Highway 17 projects held in conjunction with the August DOT Board meeting in Raleigh. Board of Transportation members Stan White, Hugh Overholt, Mike Alford and Leigh McNairy participated, along with key DOT Raleigh and Division staff. Finlayson participated in the regular policy briefing with key DOT staff, including: Technical Services Administrator Victor Barbour; State Highway Administrator Terry Gibson; Chief Engineer Jon Nance; and Deputy Secretary Susan Coward. Finlayson met with COO Jim Trogdon and Chief of Staff Ellis Powell to discuss potential DOT support for the Association's economic impact study. He had a follow up phone call and meeting with Powell and Deputy Secretary Susan Coward on the same subject, and upon their referral Finlayson then met with Mike Bruff, Manager of the DOT Transportation Planning Branch. Finlayson participated in a DOT meeting in Raleigh to discuss ideas for proposed improvements along Highway 17 in Onslow and Pender Counties. This project is not now on the STIP and is called informally the "Holly Ridge Bypass" project. Representatives of regional MPOs and RPOs participated, as did representatives of some local governments including Kyle Breuer, Planning Director for Pender County.

- Continue to nurture relationships with North Carolina's Congressional delegation and key staff and grow in knowledge of federal highway funding and administration.
 - Who: Marc Finlayson
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: As a follow up to his September trip to Washington, DC, Finlayson corresponded with the offices of the NC Senators and Representatives with whom he visited; particularly Chris Wall in the office of Sen. Richard Burr concerning misappropriated funding for Highway 17. Finlayson is corresponding with Kim McClellan in the office of Rep. Mike McIntyre (7th District) to request appropriations for Highway 17 projects in the coming federal appropriations bill. Finlayson assisted state Senator Harry Brown in drafting correspondence to Rep. Walter Jones (3rd District) seeking a change in position by the US Army Corps of Engineers on the R-2514 project. Finlayson also met with Board of Transportation member Hugh Overholt about Rep. Jones' involvement.

Progress 1/1/10 – 3/31/10: Regional staff for US Senators Richard Burr and Kay Hagan attended the Highway 17 Association annual meeting, as did staff for Congressman Walter Jones. Finlayson corresponded with Washington, DC staff for Sen. Hagan to determine next steps in recapturing revenues that had been appropriated to the Jacksonville Bypass projects but had been assigned to wrong account at US DOT.

Progress 4/1/10 – 6/30/10: Finlayson had follow-up conversations with Patrick Brennan on the staff of Sen. Kay Hagan to determine next steps for securing the Onslow County appropriation. As part of this effort Finlayson spoke and corresponded with Susan Howard, NCDOT's Congressional liaison in Washington, DC. Finlayson also consulted with Mark Sutherland, Executive Director of the Military Growth Task Force (MGTF), about ways to engage federal lawmakers in the transportation priorities of the Task Force and Highway 17 Association. In particular, Finlayson and Sutherland discussed several aspects of the R-2514 project in Jones County, which is the number one transportation priority of the MGTF. Deputy Director Jay Bender participated in these meetings.

Progress 7/1/10 – 9/30/10: Finlayson and Government Affairs contractor Chris Valauri spent three days in Washington, DC calling on the Congressional delegation and NCDOT Congressional liaison Susan Howard. Finlayson and Valauri met personally with Rep. Walter Jones (3rd District) and Rep. G.K. Butterfield (1st District) and their staff members for transportation policy, and had a substantive meeting with Sen. Kay Hagan to brief her for the first time on the Highway 17 Association, its mission, projects and progress. Hagan expressed strong support for the Association's efforts. As part of the dialogue with Sen. Hagan, Finlayson and Valauri met also with Patrick Brennan, Hagan's legislative aide for transportation policy to follow up on the appropriation that had been intended for Highway 17 in Onslow County but had been misallocated to the wrong account in US DOT. Additionally, Finlayson and Valauri met at length with Rep. David Price (4th District) who chairs the House Appropriations Committee for Homeland Security, to brief Price on the Highway 17 projects and to understand what support for Highway 17 might be available through the Homeland Security budget. Finlayson and Valauri also met with transportation policy staff for Rep. Mike McIntyre (7th District) and Sen. Richard Burr, as well as staff for Rep. Howard Coble (6th District), who serves on the House Transportation and Infrastructure Committee. While in Washington, Finlayson and Valauri were the guest of Rep. Bob Etheridge (2nd District) for some of the activities of "The Washington Perspective", an annual event for Chambers of Commerce and Economic Development organizations sponsored by the North Carolina House of Representatives delegation. One of the presentations was by Ray LaHood, US Secretary of Transportation, who briefed the gathering on the administration's ideas for reauthorizing and paying for the federal Transportation Act.

- Continue to nurture relationships with the Highway 17 corridor's state legislative delegation, and grow in knowledge of state highway funding and administration.
 - Who: Marc Finlayson
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson worked closely with Sen. Harry Brown (R-Onslow) as he prepared remarks and correspondence about the R-2514 project in Jones and Onslow Counties. Finlayson monitored the December meeting of the Transportation Oversight Committee of the NC General Assembly and had a chance to speak with Highway 17 corridor legislators Rep. Arthur Williams (D-Beaufort) and Rep. Danny McComas (R-New Hanover), as well as House Co-Chairman Nelson Cole (D-Rockingham).

Progress 1/1/10 – 3/31/10: Finlayson worked closely with Lt. Governor Walter Dalton and his staff to secure the Lt. Governor's participation in the Highway 17 Association annual meeting as the keynote speaker. Finlayson met at length with Lt. Governor Dalton in Raleigh to discuss his remarks and to brief him on Highway 17 and the Association's activities. State Senators Harry Brown (R-Onslow) and Jean Preston (R-Carteret) attended the Highway 17 Association annual meeting, as did state Representatives Russell Tucker (D-Onslow), Arthur Williams (D-Beaufort) and Pat McElraft (R-Carteret). Finlayson worked closely with Rep. Alice Underhill (D-Craven) to secure her participation in the annual meeting as introducer of Lt. Governor Dalton. Following the Trent River Draw Bridge dedication in New Bern, Finlayson met with Rep. William Wainwright (D-Craven) to discuss several transportation issues. Finlayson spoke briefly with Sen. Marc Basnight (D-Dare) at the annual meeting of the NC 20 coalition held in New Bern. Finlayson corresponded with Rep. Nelson Cole (D-Rockingham), co-chairman of the joint Transportation Oversight Committee of the NC General Assembly prior to its April hearing on the Equity Formula. Finlayson worked with Bob Weiss, committee council, to understand format for the committee's hearing and timetable for submitting remarks.

Progress 4/1/10 – 6/30/10: The Highway 17 Association hosted its annual legislative breakfast in Raleigh in June. Lawmakers from the Highway 17 corridor participated in the event and engaged with Highway 17 Association board members, including: Sen. R.C. Soles (D-Columbus); Sen. Harry Brown (R-Onslow); Sen. Jean Preston (R-Carteret); Rep. Dewey Hill (D-Columbus); Rep. Tim Spear (D-Chowan); Rep. Carolyn Justice (R-Pender); Rep. Pat McElraft (R-Carteret) and Rep. Alice Underhill (D-Craven). Finlayson attended meetings of the House Transportation Committee, the Joint Transportation Appropriations Committee, the Senate Finance Committee and the Joint Legislative Transportation Oversight Committee where transportation related policy and funding matters were discussed. Particularly, Finlayson supported the Governor and the DOT in its advocacy for the Mobility Fund. During this period Finlayson met with key legislators to discuss issues of interest including: Rep. Prior Gibson (D-Anson), Co-Chairman of House Finance; Rep. Jim Crawford (D-Granville), Co-Chairman of House Appropriations; Rep. Arthur Williams (D-Beaufort), Vice-Chairman of House Transportation; Rep. Doug Yongue (D-Scotland), Co-Chairman of House Appropriations; Rep. Hugh Holliman (D-Davidson), House Majority Leader; and Sen. Dan Clodfelter (D-Mecklenburg), Co-Chairman of Senate Finance. Finlayson met on several occasions with Lt. Governor Walter Dalton to build on the positive relationship that began with Dalton's address to the Highway 17 Association annual meeting. Finlayson also had brief meetings with cabinet secretaries Keith Crisco of Commerce and Dee Freeman of Environment and Natural Resources.

Progress 7/1/10 – 9/30/10: Finlayson worked with Tate Johnson, director of the Governor's eastern NC office, to set up a meeting between Governor Beverly Perdue and the Highway 17 Association Board of Directors. The meeting occurred on August 18 and was well attended and very positive and productive. Also attending was the Governor's advisor Brynn Thomas. Finlayson followed up with Johnson and Thomas on several items that were discussed with the Governor, including support for the Highway 17 economic impact study. Near the close of the General Assembly Budget Session, Finlayson attended several legislative committee meetings, including House Transportation and Senate Finance, where transportation policy and funding questions were being considered.

- Continue to nurture relationships with other stakeholders and organizations concerned with transportation issues in North Carolina, to develop a productive network of allies on issues of interest or concern to the Highway 17 Association.
 - Who: Marc Finlayson
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson continues to participate in the Tourism initiative coordinated by the three eastern North Carolina economic development partnerships, including a planning session held at the NC East Region offices in Kinston. The goal of the initiative is to have Highway 17 designated as a Heritage Highway by the federal government. Finlayson continues to serve as co-chair of NC Go!, the statewide transportation advocacy group and meets regularly with other transportation leaders in and out of government, among them Jay Stem, Executive Director of the NC Aggregates Association, with whom Finlayson met in November to discuss transportation funding prospects. Finlayson briefed the regular meeting of the Downeast Rural Planning Organization (RPO) on Highway 17 progress and issues. Finlayson met with Mark Sutherland, newly named Director of the Military Growth Task Force, to discuss transportation issues associated with

the region's military growth; specifically the Jones County project. Deputy Director Jay Bender (of the Highway 17 Association board) also participated. Finlayson gave a Highway 17 update to the Breakfast Rotary Club of New Bern whose members included elected officials from the cities of New Bern and River Bend.

Progress 1/1/10 – 3/31/10: Finlayson represented NC Go! at the Raleigh news conference to announce the 2010 TRIP Report on Transportation in North Carolina. DOT Secretary Gene Conti was also on the panel of speakers, as were representatives of TRIP and AAA Carolinas. Finlayson briefed the regular meeting of the Downeast Rural Planning Organization (RPO) on Highway 17 progress and issues. Following the roll out of the NCDOT strategic planning process in Kinston, Finlayson met with leaders of all five RPOs in the Highway 17 corridor, including newly named Director of the Albemarle RPO, Steve Lambert. At the invitation of Craven County Commissioner Steve Tyson and Carteret County Commissioner Tom Steepy, Finlayson briefed the Board of Directors of the US 70 Commission to report on the Highway 17 Association experience and structure as the 70 Commission shifts from a planning to an advocacy organization. Finlayson attended the State of the Region Forum in Goldsboro, sponsored by the NC East Region Partnership. While in Edenton, Finlayson visited the Northeast NC offices to thank staff there for their continued support. Finlayson attended the open house for the new Military Growth Task Force offices in Swansboro. Finlayson met with representatives of the consulting firm Marstell Day to discuss transportation issues of interest to Camp Lejeune and Marine Corps Air Stations Cherry Point and New River. Finlayson met in Burgaw with Al Friemark, representing a Pender County Homeowners group interested in the Hampstead Bypass project. Finlayson spoke to two civic groups in Beaufort County about Highway 17 progress: Beaufort Seniors civic organization and Leadership Beaufort, sponsored by the Chamber of Commerce. The Highway 17 Association continues to participate in the tourism coalition seeking to secure federal Heritage designation for the Highway 17 corridor. Finlayson attended a meeting of the coalition in Williamston and Mickie Wilson represented the Association at a meeting held in conjunction with the statewide Tourism Conference in New Bern. While in Edenton, Finlayson met with Nancy Nuckolls, Edenton-Chowan Tourism Director, as well as Richard Bunch, Director of the Edenton-Chowan Chamber of Commerce. Finlayson attended the annual meeting of the NC 20 coalition of coastal counties, for which Highway 17 Association board member Tom Thompson is a leader. The 17 Association is a supporting member of NC 20. Finlayson met in Raleigh with Becky Gray, policy director of The John Locke Foundation, a conservative public policy research organization that writes regularly on transportation funding and policy issues. Ms. Gray attended the Highway 17 Association annual meeting.

Progress 4/1/10 – 6/30/10: Finlayson made presentations to the Cape fear Rural Planning Organization (RPO), the Downeast RPO and the Mid-East RPO to report on progress along the Highway 17 corridor and activities of the Highway 17 Association. Finlayson continues to serve as Co-Chairman of NC Go!, which worked extensively with NCDOT and the General Assembly on behalf of Governor Perdue's Mobility Fund. Finlayson was asked to introduce the Governor at a May news conference to promote the Fund. Sec. Gene Conti participated in the event as well as ten members of the Board of Transportation and about a dozen Mayors from around the state. At the invitation of John Chafee, Finlayson briefed the Board of Directors of the NC East Region partnership on the Mobility Fund. Finlayson participated in the North Carolina Railroad Forum in Raleigh to learn about multimodal infrastructure, especially as it affects the two state ports and the military in eastern North Carolina. Rail and Highway are crucial in the deliberations of the Governor's Logistics Task

Force, co-chaired by Lt. Governor Walter Dalton and Sec. Gene Conti. Finlayson met and corresponded with Durwood Stephenson, the new executive director of the US 70 Commission to answer questions about the Highway 17 Association's structure and goals as the 70 group gets reorganized with a new advocacy focus.

Progress 7/1/10 – 9/30/10: Finlayson participated in a meeting with the leadership team of NC Go! to discuss the future of that organization. Also in the meeting were many key financial supporters of NC Go! including Bob Barnhill of Barnhill Contracting Company and Seth Wooten of S.T. Wooten Corporation, two large and important eastern North Carolina road builders who do a lot of work in the Highway 17 corridor. Finlayson met with Jay Stem, the executive director of the NC Aggregates Association to discuss future road building and funding scenarios, and with Durwood Laughinghouse, Chief General Counsel of Norfolk Southern Railroad, to discuss shared goals and concerns of the highway and railroad interests. Finlayson participated in the periodic policy briefing at DOT with representatives of other stakeholders interested in highway construction including: The Associated General Contractors (AGC) of North Carolina and the Carolinas Asphalt Paving Association. While in Washington, DC, Finlayson met briefly with Mark Sutherland, Executive Director of the Military Growth Task Force, who was participating in a panel discussion about military business, in conjunction with "The Washington Perspective".

Goals, Strategies and Tactics

Public / Media Outreach and Marketing 2009 - 10

- Continue to expand and improve the Highway 17 Association web site. Add features that will make the site more informative, interactive and interesting to prospective viewers.
 - Who: Marc Finlayson and Mickie Wilson.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson has corresponded with Rob Will and Alex Rickard of the Downeast RPO to monitor progress on the interactive map of the Highway 17 corridor that the RPO staff is building for the Association. This collaboration would enable viewers to the Highway 17 Association web site to monitor progress on discreet projects along the corridor by clicking the appropriate section of highway. It would also contain statistics pertinent to the highway such as traffic counts and accident records.

Progress 1/1/10 – 3/31/10: Board of Director information has been updated on the Highway 17 Association web site. Work continues on the interactive map of the Highway 17 corridor that the Downeast RPO staff is building for the Association.

Progress 4/1/10 – 6/30/10: The Association renewed the www.highway17nc.org domain and continues to update the web site. The Downeast RPO staff continues to work on the interactive Highway 17 corridor map. The Association should be able to add a link to the map very soon.

Progress 7/1/10 – 9/30/10: Work continues on the interactive Highway 17 corridor map at the Downeast RPO.

- Continue to nurture relationships with editors and reporters covering transportation for the newspapers and television stations within the Highway 17 corridor, and respond to inquiries by the news media.
 - Who: Marc Finlayson with appropriate local directors.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson provided interviews to WITN-TV and Public Radio East on the R-2514 project in Jones County; speaking particularly to the Association's support for the 2A alternative bypass around Maysville and Belgrade. Finlayson provided an interview with *The Washington Daily News* concerning an update on the R-2510 Washington Bypass project. While in Raleigh, Finlayson met with Lynn Bonner of *The News & Observer* of Raleigh to discuss transportation issues generally and other governance, public policy and political subjects.

Progress 1/1/10 – 3/31/10: During the quarter Finlayson provided 12 separate interviews to reporters for The Washington Daily News, The Sun Journal of New Bern, The News & Observer of Raleigh, The Jones Post, The Pender Chronicle, Public Radio East, WTKF-FM Talk Radio, WNCT-TV Greenville, WRAL-TV Raleigh and the Triangle Business Journal. Subjects included progress on the R-2514 project in Jones County, Heritage designation for the Highway 17 corridor, Equity Formula funding for transportation and the TRIP report. The Association received very positive media attention for its annual meeting in print, on radio and on

television. While in Raleigh, Finlayson met with editor Steve Riley and public policy columnist Jack Betts of *The News & Observer* to discuss transportation policy and politics.

Progress 4/1/10 – 6/30/10: Finlayson provided an interview to Rob Holliday of UNC Public television for a comprehensive story about Highway 17 that Holliday produced for the weekly program *NC Now*, that airs across North Carolina. Division 2 Chief Engineer Neil Lassiter also participated in the story, as did Highway 17 Association board member Jay Bender, Washington Mayor Archie Jennings and others. The very positive piece aired in May and Holliday made a DVD available to the Association for use with legislators at our Legislative Breakfast in June. Finlayson gave an interview to Lockwood Phillips of WTKF-FM, the regional talk radio station, about Highway 17 and about North Carolina transportation policy and funding. Finlayson fielded several follow-up media calls in early April about the Highway 17 Association annual meeting that took place at the end of March. The Association made copies of newspaper coverage of Lt. Governor Walter Dalton's remarks to the annual meeting available to his press office.

Progress 7/1/10 – 9/30/10: During the quarter Finlayson provided four separate interviews to reporters for *The State Port Pilot of Southport*, *The Triad Business Journal*, *The Washington Daily News*, *The Beaufort Observer (Beaufort County)*, on subjects including the resolutions of support for the Highway 17 Association's economic impact study to future state transportation funding options including the Mobility Fund. Also, Finlayson briefed Rob Holliday of UNC-TV on transportation issues that may be of interest to the public TV network as it plans its coverage leading up to the 2011 NC General Assembly.

- Continue to distribute news releases or other appropriate information to the media at least quarterly and follow up to ensure coverage.
 - Who: Marc Finlayson and Mickie Wilson.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: No newsletters or news releases were distributed during the period; however interviews have been scheduled with project managers and contractors to update progress on the Washington Bypass and New Bern Bypass projects. The next newsletter is expected to be published during the second quarter (January – March).

Progress 1/1/10 – 3/31/10: The Association published and distributed a newsletter explaining the format and expected outcomes of NCDOT's new strategic planning process. In cooperation with the Downeast RPO, which authored the original piece, the newsletter attempted to share more broadly with our Highway 17 corridor audience how DOT expects to discontinue the State Transportation Improvement Program (STIP) and replace it with a five, ten and 20 year strategic planning document. Finlayson conducted a lengthy interview with Mark Mallett, project manager with contractor Flatiron United upon the completion of the Tar River Bridge project of the Washington Bypass. A newsletter article is forthcoming. The Association distributed a news media advisory about the annual meeting, and particularly the participation of Lt. Governor Walter Dalton and State Highway Administrator Terry Gibson. Finlayson assisted the Lt. Governor's press office with its own news media advisory about the event.

Progress 4/1/10 – 6/30/10: A newsletter was published and distributed highlighting the Highway 17 Association annual meeting, and particularly the

keynote remarks of Lt. Governor Walter Dalton and State Highway Commissioner Terry Gibson. Copies were made available to legislators who attended the Association's Legislative Breakfast in June.

Progress 7/1/10 – 9/30/10: Finlayson distributed the annual meeting news release, along with up-to-date project status reports to the Congressional delegation and staff during the Washington, DC visits. The newsletter was well received.

- Pursue research studies, grants and other opportunities that can advance the cause of Highway 17 planning, funding and construction. Publish or otherwise market such information in appropriate media and determine other ways to use the information to promote Highway 17.
 - Who: Marc Finlayson.
 - When: Throughout 2009-10 as appropriate.

Progress 10/1/09 – 12/31/09: Finlayson and Mickie Wilson have been working with Pamela Bostic of the Elizabethtown office of the federal Economic Development Administration (EDA) to seek a grant to fund the economic impact study for the Association. Ms. Wilson has downloaded the files and walked through the application process with Ms. Bostic. The federal grant requires a one-for-one match so Finlayson is pursuing money from the NC Department of Commerce as a potential match. If the Association is successful in getting the grant it already has a scope of work and budget in hand through a partnership of UNC-Wilmington and a private consulting firm. At the same time, Tom Thompson has said he is working with UNC-Charlotte to put a proposal together and to identify potential funding sources independent of EDA.

Progress 1/1/10 – 3/31/10: Finlayson has corresponded with Dr. Edd Hauser of the Geography Department of the University of North Carolina at Charlotte. UNC-C was encouraged by Association board member Tom Thompson to submit a proposal to conduct the research and prepare the economic impact study. They are also willing to at least discuss how they might support our efforts to secure funding to do the work. Finlayson and Dr. Hauser will meet in May. Finlayson has also been seeking support from state funding sources to match any potential federal Economic Development Administration (EDA) planning grant we expect to compete for. Mickie Wilson continues to work with the Elizabethtown office of the EDA on the application process.

Progress 4/1/10 – 6/30/10: Finlayson had a preliminary meeting with Dr. Edd Hauser of UNC-Charlotte to introduce himself and discuss the economic impact study. It was determined from that meeting that UNC-C would be interested in talking in more detail about collaboration on the project, including seeking funding to pay for it. Subsequently, a follow-up meeting between Finlayson and the UNC-C team was scheduled for Charlotte in late July at which time more substantive details of the project will be discussed.

Progress 7/1/10 – 9/30/10: Finlayson traveled to Charlotte to meet with Dr. Edd Hauser, Director of Transportation Policy Studies for the University of North Carolina at Charlotte. Dr. Hauser assembled a team of educators and researchers who proposed a scope of work for the Association's economic impact study. Funding for the study was the subject of the Highway 17 Association's meeting with Governor Beverly Perdue in August. Gov. Perdue was receptive to the idea of helping the Association find funds to pay for the study or match other grants that might be

available. Subsequent to the meeting with the Governor, Finlayson met with Jim Trogdon, Ellis Powell, Susan Coward and Mike Bruff of NCDOT to discuss funding options. They are COO of the Department, Chief of Staff, Deputy Secretary for Budget and Manager of the Transportation Planning Branch respectively.

Goals, Strategies and Tactics

Administrative / Financial 2009 - 10

- Continue to disseminate monthly budget and expense information to the Board and / or Finance Committee; Help the treasurer prepare reports for the Board meetings as appropriate.
 - Who: Marc Finlayson and Mickie Wilson.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: Mickie Wilson continues to provide monthly financial information to the Finance Committee and receives authorization to reimburse the Association's operating account for travel and promotional expenditures. Finlayson and Ms. Wilson prepared the 2009-10 budget that was approved by the Board at its September meeting. Ms. Wilson helped Treasurer Larry Meadows prepare the fiscal year-end Treasurer's Report to the Board at that time. Finlayson and president Lionell Midgett have executed the management contract for the 2009-10 fiscal year. The Association has already received some \$172,000 from its local government funding partners for fiscal 2009-10.

Progress 1/1/10 – 3/31/10: Mickie Wilson continues to provide monthly financial information to the Finance Committee and receives authorization to reimburse the Association's operating account for travel and promotional expenditures. Ms. Wilson helped Treasurer Larry Meadows prepare his report to the Highway 17 Association annual meeting. Letters seeking financial support for fiscal year 2010-11 were sent to the counties, municipalities and economic partnerships throughout the corridor. Through the first half of the year the Association has managed its budget prudently; coming in more than \$7,000 under budget for the period.

Progress 4/1/10 – 6/30/10: Mickie Wilson continues to provide monthly financial information to the Finance Committee and receives authorization to reimburse the Association's operating account for travel and promotional expenditures. Through the first three quarters of the Association's fiscal year the organization has managed its budget very prudently, coming in more than \$10,000 under budget for the period.

Progress 7/1/10 – 9/30/10: Mickie Wilson continues to provide monthly financial information to the Finance Committee and receives authorization to reimburse the Association's operating account for travel and promotional expenditures. It is anticipated that the Association will be more than \$10,000 under budget for the 2009-10 fiscal year when final transactions are accounted for. Ms. Wilson and Marc Finlayson put together a proposed budget for the Association's 2010-11 fiscal year for the Board of Directors to consider and adopt in September. The 2010-11 budget is expected to be very similar to the 2009-10 budget.

- See that tax returns are properly filed with the IRS and the NC Department of Revenue and ensure that the annual audit is conducted in a thorough and timely manner.
 - Who: Marc Finlayson and Mickie Wilson.
 - When: By the appropriate dates in fiscal year 2009-10.

Progress 10/1/09 – 12/31/09: Finlayson and Mickie Wilson have met with our auditor to provide information for the 2008-09 fiscal year audit. Ms. Wilson is also preparing and providing information that will enable the auditor to file our 2009 tax return for our 501(c)(6) organization.

Progress 1/1/10 – 3/31/10: The 2009 financial audit for the Association has been completed and copies delivered to our administrative offices. The Association received another clean report. We have shared the audit report with those funding partners who require a copy. The accountant who prepared the audit is also filing the Association's 2009 state and federal tax returns.

Progress 4/1/10 – 6/30/10: The 2009 federal and state tax returns have been filed.

Progress 7/1/10 – 9/30/10: Completed.

- Continue to explore innovative ways to generate more income for the Association and its mission, including soliciting private donations for special events and seeking grant money for special projects.
 - Who: Marc Finlayson and Mickie Wilson.
 - When: Throughout 2009-10.

Progress 10/1/09 – 12/31/09: At the Board's request from its September meeting, Finlayson prepared a brochure with which the Association can solicit private-sector support for the organization. Board members have pledged to identify and contact at least five private companies in their respective counties to solicit. Finlayson will accompany Board members on these calls during the second fiscal quarter (January – March). Depending on the amount of contributions, the private-sector fundraising campaign may preclude the need for additional corporate support for the 2010 annual meeting. That is being determined by Finlayson and Ms. Wilson.

Progress 1/1/10 – 3/31/10: The Association secured eight sponsors to underwrite the cost of the annual meeting. The \$4,000 raised enabled the Association to provide lunch for all the elected officials in attendance without using public funds.

Progress 4/1/10 – 6/30/10: Finlayson continues to pursue funding to support an economic impact study for the Highway 17 corridor. He has approached legislative leaders, the NC Department of Commerce and NCDOT to explore funding opportunities. Mickie Wilson continues to correspond with the federal Economic Development Administration about applying for an EDA grant but a commitment for matching funding is required to file the federal application.

Progress 7/1/10 – 9/30/10: The Board of Directors met in August with Governor Beverly Perdue, and among the items for discussion was state funding support for the Association's economic impact study. Finlayson followed up with key administrators in the DOT to pursue support. Mickie Wilson continues to communicate with the regional director of the federal Economic Development Administration offices in Elizabethtown, in the event the Association applies for an EDA planning grant.



Request for City Council Action

Agenda	1
Item:	
Date:	4/5/2011

Subject: Public Hearing for 2011-2012 Annual Action Plan
Department: Community Development
Presented by: Lillie R. Gray, Community Development Administrator
Presentation: Yes

Issue Statement

The Annual Action plan is a strategic planning guide which specifically outlines the budget and activities for the use of Community Development Block Grant funds (CDBG) for FY 2011-2012. HUD mandates adoption and submission of the Action Plan prior to releasing CDBG funds which are used to benefit low-to moderate-income persons and households.

The purpose of the Public Hearing is to receive public comments prior to submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The plan serves as the City's application for federal funds and must be submitted by May 15, 2010.

Financial Impact

In FY 2011-2012 the City of Jacksonville estimates it will receive \$530,206 in entitlement funds and estimates \$142,120 in program income will be received. The Federal budget has not been adopted as of this date so the City has not been notified of its actual award. This budget anticipates a 7% decrease in entitlement funding. An estimated \$761,948 of prior year funds are also expected to be available for a total of \$1,434,274. In addition, the Community Development Division proposes to apply for a Section 108 Loan in the amount of \$1,865,000 to carry out activities related to the redevelopment of the Downtown Target Area.

Action Needed

Conduct Public Hearing to receive comments on the FY 2011-2012 Annual Action Plan.
Consider Adoption of the Annual Action Plan.

Recommendation

Staff recommends that Council move to adopt and approve the submission of the FY 2011-2012 Annual Action Plan to the U.S. Department of Housing and Urban Development.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A 2010-2011 Draft Annual Action Plan (Separate Document Booklet)



Staff Report

2011-2012 Annual Action Plan

Introduction

The U.S. Department of Housing and Urban Development (HUD) provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities. Primary objectives are to provide decent housing, a suitable living environment, and expand economic opportunities, principally for low-and moderate income persons. The City is required to prepare a Five Year Plan Consolidated Plan and develop an Annual Action Plan each year in order to receive this funding. The intent of the Consolidated Plan is to promote a comprehensive approach to local community development programming by requiring communities like Jacksonville to improve the process of developing *effective* community development strategies and by providing more *user friendly* information to citizens and local groups on whether these priorities are being met.

The Consolidated Plan process is also intended to make it easier for each subsequent Annual Action Plan to be developed, i.e. by linking each year's Plan to previously identified priority needs within Jacksonville. Therefore, each Annual Action Plan, including this third one, should support the goals, priorities, and needs identified in the Five-Year Plan. This Action Plan is consistent with the Five Year Plan which the City prepared in FY 2009 for the period from 2009-2014.

Citizen Participation

In an effort to solicit citizen input into the development of this Annual Action Plan, staff conducted a community input meeting on December 2, 2010 and a Funding Opportunity Workshop on December 9, 2010. Public notices were placed in the local paper and announcements posted on G10, our local government channel. Input was also received from the Jacksonville City Council during a workshop held on September 28, 2010. During this meeting, staff received support for implementing the Public/Private Partnership to redevelopment the Downtown Target Area.

A draft of the Annual Action Plan was made available to the public to review from February 28, 2010 through April 5, 2011. This Public Hearing provides another opportunity for citizen input.

Priorities

During the 2009-2014 Five Year Consolidated Planning process, citizens were asked to rate activities on a scale of 1-4, with 1 being the lowest need and 4 being the highest. The detailed survey results are included in the plan. The seven General Topics of Interest were prioritized as follows:

Priority	General Topics of Interest	Percent
1	Housing	65.3%
2	Economic Development	58.1%
3	Community Services	53.2%
4	Special Needs Services	51.9%
5	Community Facilities	46.4%
6	Neighborhood Services	38.4%
7	Infrastructure	37.2%

When analyzed within the subcategories, the activities associated with the General Topics of Interest are further defined. These priorities were determined by using the top three ratings from each General Topic of Interest. The remaining activities were designated as medium or low priority depending on the rating and may be funded contingent upon availability of funding. These priority areas were used as one of the criteria for the committees funding recommendations. Specific activities, performance measures, and outcomes, are further defined in the Project Charts included with the Action Plan.

Priority	General Topics w/Subcategories	Percent
1	Housing	
	Affordable Rental Housing	62.2%
	Homeownership Assistance	60.9%
	Housing for Disabled	60.5%
2	Economic Development	
	Job Creation/Retention	67.7%
	Employment Training	50.5%
	Small Business Loans	38.3%
3	Community Services	
	Transportation Services	67.0%
	Youth Activities	57.7%
	Anti-Crime Programs	51.2%
4	Special Needs Services	
	Homeless Shelters/Services	60.8%
	Centers/Services for Disabled	58.0%
	Neglected/Abused Children	57.7%
5	Community Facilities	
	Youth Centers	61.6%
	Community Centers	52.5%
	Child Care Centers	47.8%
6	Neighborhood Services	
	Clean-up of Abandoned Buildings/Lots	58.0%
	Code Enforcement	34.1%
7	Infrastructure	
	Water/Sewer Improvement	53.1%
	Street Lighting	46.9%
	Sidewalk Improvements	46.3%

Financial Resources

The Community Development Division anticipates receiving \$530,206 in entitlement funding and also anticipates receiving program income totaling approximately \$142,120. In addition, approximately \$761,948 of prior year funds are available for a total of \$1,434,274. The Community Development Division proposes to use FY 11-12 funding along with prior year funds on hand to support the following activities:

Activity	FY 10-11 Actual Carry Over CD1001	FY 11-12 New CD1101	Total Resources
Revenue			
CDBG Allocation	\$570,114	\$530,206	\$1,100,320
Estimated Program Income	\$191,834	\$142,120	\$333,954
Total Resources	\$761,948	\$672,326	\$1,434,274
Allocation			
Administration	\$121,912	\$114,295	\$236,207
Project Delivery	\$152,721	\$154,506	\$307,227
Clearance and Demolition	\$40,000	\$30,000	\$70,000
Economic Development (Small Business)	\$60,000	\$20,000	\$80,000
Non-Profit Funding (Public Services)	\$30,000	\$23,000	\$53,000
Residential Rehabilitation	\$127,315	\$80,525	\$207,840
Rental Rehabilitation	\$30,000	\$	\$30,000
Affordable Housing (Infrastructure)	\$200,000*	\$250,000**	\$450,000
Total Expenditures	\$761,948	\$672,326	\$1,434,274

*Previously awarded to East Carolina Community Development for Glenstal Senior Apartments.

**Proposed to be awarded to East Carolina Community Development for Wellington Apartments

Section 108 Loan Guarantee

The FY 2011-2012 Action Plan also includes an application for \$1,865,000 for a Section 108 Loan to carry out acquisition, relocation and demolition of existing homes related to the redevelopment of the Downtown Target Area. The project area has been expanded to include **both** sides of Newberry, Poplar and Ford Streets for a total of 35 parcels, not

including parcels currently owned by the City. If approved, the City would pledge its future year CDBG entitlement grants along with \$100,000 in annual program revenue to repay the loan. Repayment would occur over a twenty (20) year period at current treasury rates beginning in the FY 2013-2014.

USE OF FUNDS	
Acquisition	1,548,000
Relocation	215,000
Demolition	75,000
Appraisals	7,000
Environmental Review	10,000
Issuance Costs/Fees	10,000

Activity	# of Parcels/Units
Acquisition	35
Relocation	19
Demolition	15
Total	\$1,865,000

Eminent Domain

In order to ensure the successful redevelopment of the downtown target area the City proposes to use the power of eminent domain to acquire properties if voluntary acquisition is not achieved.

Stakeholders

- Citizens and taxpayers of the City

Options

Option 1 – Adopt the Annual Action Plan and authorize staff to submit to HUD.

RECOMMENDED.

- Pros – the City will receive its annual entitlement funding and will have the ability to carryout programs and activities that benefit low and moderate income citizens of Jacksonville.
- Cons – None

Option 2 – Disapprove adoption and submittal of the Annual Action Plan resulting in loss of CDBG funding

- Pros- None
- Cons – The City will not have the additional financial resources to meet the needs of low and moderate income citizens of Jacksonville.



Request for City Council Action

Agenda Item:	2
Date:	4/5/2011

Subject: Public Hearing (*Legislative*) – Zoning Text Amendment – Section 108 Flight Path Overlay District – Height Restriction Exceptions

Department: Development Services

Presented by: Abigail Barman, Senior Planner

Presentation: Yes

Issue Statement

As directed by City Council, staff has prepared an amendment to the recently adopted Section 108 Flight Path Overlay District (FPOD) of the Zoning Ordinance. This amendment will allow six (6) existing nonconforming structures to continue existence and be replaced at current height. If approved, Section 108 FPOD of the Zoning Ordinance would be amended to allow exceptions to the restriction on heights within the district.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Zoning Text Amendment

Recommendation

The Planning Board and City staff recommend Council approve the Zoning Text Amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B March 14, 2011 Planning Board Meeting Minutes



Staff Report

Agenda Item:	2
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Public Hearing (*Legislative*) – Zoning Text Amendment – Section 108 Flight Path Overlay District – Height Restriction Exceptions

Introduction

As directed by City Council, staff has prepared an amendment to the recently adopted Section 108 Flight Path Overlay District (FPOD) of the Zoning Ordinance. This amendment will allow six (6) existing nonconforming structures to continue in existence and be replaced at current height. If approved, Section 108 FPOD of the Zoning Ordinance would be amended to allow these exceptions to the restriction on heights within the district.

Procedural History

- In 2002, Onslow County, area municipalities, and the Base completed the Joint Land Use Study (JLUS).
- In 2004, the Board of Commissioners selects a number of the Study's recommendations to implement.
- In 2005, JLUS and Onslow County Planning staff developed specific measures to implement selected recommendations.
- On September 18, 2006, Onslow County adopted the FPOD.
- On August 9, 2010 American Tower Corporation & Sue Tuton submitted a rezoning request and development proposal within the now proposed FPOD.
- In October 2010 the Base requested that the City of Jacksonville adopt the FPOD.
- On December 13, 2010 Planning Board recommended approval of this request.
- On January 4, 2011 City Council conducted a public hearing to consider a request to amend the Jacksonville Zoning Ordinance.
- February 9, 2011 City Council approved a rezoning that implemented the FPOD.

Stakeholders

- The Base - Camp Lejeune and New River Air Station operate aircraft as part of their normal activities. Developments on the ground can affect the ease and safety of those operations.
- Planning Staff – contends additional regulations are needed to mitigate potential conflict between development on the ground and flight paths overhead.
- Citizens – Regulations to ensure the health, safety and welfare of the citizens of Jacksonville and surrounding area are necessary.
- Property owners within the proposed FPOD.

Planning Assessment

This text amendment is a request by City Council. The intent is to allow existing structures in the recently adopted FPOD to remain and be replaced if necessary at their current height. In essence this exempts the 6 existing structures from the 100 foot height limit within the FPOD.

The proposed FPOD district amendment will allow the 4 existing communication towers to be replaced at their current height, and the 2 water towers to be replaced at their existing height plus an additional 15 feet.

Public Hearing Notification Assessment

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a Public Hearing. A notice of the public hearing has been given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes have been followed.

Options:

- 1). Approve the Zoning Text Amendment as proposed. **(RECOMMENDED)**
 - Pros: The text amendment will allow the existing towers to remain as they are currently. In addition, it will allow them to be replaced if necessary.
 - Cons: The existing towers may be an obstacle for the Base to safely utilize air space for daily operations.
- 2). Defer action on the propose Zoning Text Amendment.
 - Pros: Would allow staff time to acquire additional background information as requested by the City Council.
 - Cons: None
- 3). Deny the Zoning Text Amendment
 - Pros: Will allow the Base to safely utilize air space for daily operations and require the 6 nonconformities to come into compliance upon replacement.
 - Cons: Existing towers required to meet the new 100 foot height limit may not be able to provide their current level of service.

ORDINANCE (# 2011-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Sections 106 and 108 of the City of Jacksonville Zoning Ordinance be amended as follows: ~~Strikethrough~~ indicates the proposed deletion of text while underlining indicates a proposed addition to the text.

Section 108. Flight Path Overlay District

G. Non-Conforming Structures.

All nonconformities as defined by Section 10, definitions, shall comply with all the requirements of this section in the manner described in Section 96, nonconformities. Failure to comply shall render the business illegal and subject to zoning enforcement action.

1. Exemptions.

Cells towers existing in the flight path overlay district prior to February 9, 2011 may be maintained, repaired, replaced and rebuilt at existing height. Water towers existing in the flight path prior to February 9, 2011 may be maintained, repaired, replaced and rebuilt at their existing height with an allotment for an additional 15 feet.

Below is a table of tower locations and heights identified as existing prior to February 9, 2011

<u>Water Tower Locations</u>	<u>Height*</u>
<u>Downtown</u>	<u>130 feet</u>
<u>Northwoods Park</u>	<u>135 feet</u>
<u>Communication Tower Locations</u>	<u>Height*</u>
<u>60 East Drive</u>	<u>115 feet</u>
<u>2861 Richlands Highway</u>	<u>250 feet</u>
<u>3006 Richlands Highway</u>	<u>195 feet</u>
<u>1151 Old Maplehurst Road</u>	<u>232 feet</u>

*May not include either lighting rods and/or antennas on water towers that project higher than the dimension listed

Section 106. Telecommunications Facilities.

I. Replacement of Existing Towers

Existing freestanding towers may be replaced with a replacement tower made of new materials that increases the

Attachment

A

number of collocation opportunities, subject to the following standards:

- a) The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower, but in no instance shall the height of the replacement tower exceed 199 feet unless approved as a special use permit. In no instance shall a tower exceed 300 feet.
- b) The replacement tower shall be located within 100 feet of the replaced tower, unless the Development Services Director determines that a farther distance furthers the purpose and intent of this UDO.
- c) The replacement tower shall comply with all the standards of this sub-section.
- d) All communication towers shall be of the monopole variety, and shall be self supporting without any additional supporting wires or guy anchors unless other design is approved as a special use permit.
- e) Towers located in the Flight Path Overlay District do not qualify for the above stated replacement provisions. They may be replaced in accordance with Section 108, Flight Path Overlay District.

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 5th day of April, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk



Planning Board Minutes – March 14, 2011

Agenda Item:	2
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Zoning Text Amendment – Section 108 Flight Path Overlay District Height Restriction Exceptions

As directed by City Council, staff has prepared an amendment to the recently adopted Section 108 Flight Path Overlay District (FPOD) of the Zoning Ordinance. This amendment will allow six (6) existing nonconforming structures to continue existence and be replaced at current height. If approved, Section 108 FPOD of the Zoning Ordinance would be amended to allow exceptions to the restriction on heights within the district. There is also in Section 106 we have a provision for the entire city the Telecommunication Towers and we are proposing that we have the existing six (6) towers replaced under the provisions proposed under Section 108 rather than Section 106 that currently exist. Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. Notifications in accordance with North Carolina Statutes will be followed. Staff is recommending approval of the zoning text amendment as presented.

A question was asked if the base was aware of this text amendment. Mr. Goodson and Dr. Woodruff stated that the base was in agreement with this amendment.

**Homer Spring moved to approve the zoning text amendment as presented.
Theresa VanderVere seconded the motion.**

**The motion to approve the zoning text amendment as presented was
unanimously approved by the Board Members present.**

Attachment

B



Request for City Council Action

Agenda	3
Item:	
Date:	4/5/2011

Subject: Rezoning from RM-6 to NB – 1900 Gum Branch Road

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Charles Riggs & Associates, on behalf of Reba Gentry has submitted a request to rezone one parcel totaling 1.193 acres from Residential Multi-family 6 (RM-6) to Neighborhood Business (NB). The subject site is located at 1900 Gum Branch Road.

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the Proposed Rezoning

Recommendation

Staff recommends Council move to approve of the rezoning request based on the Findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- March 14, 2011
- D Section 34, RM-6 of the Zoning Ordinance
- E Section 64, NB of the Zoning Ordinance
- F Existing Zoning Map
- G Site Survey
- H Proposed Zoning Map



Staff Report

Rezoning from RM-6-NB– 1900 Gum Branch Road

Introduction

Charles Riggs & Associates, on behalf of Reba Gentry, has submitted a request to rezone one parcel totaling 1.193 acres from Residential Multi-family 6 (RM-6) to Neighborhood Business. This site is located at 1900 Gum Branch Road at the northwest intersection of Gum Branch Road and Lakewood Drive.

Procedural History

- On January 31, 2011, the applicant submitted a rezoning request.
- On March 14, 2011 the Planning Board recommended approval of the rezoning request.
- On April 5, 2011 City Council will conduct a Public Hearing and consider the rezoning request.

Stakeholders

- Reba Gentry – Applicant & property owner submitting the zoning request.
- Charles Riggs & Associates – Applicant/owner's surveyor
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning have been notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Zoning Assessment

The parcel proposed for rezoning is located at 1900 Gum Branch Road, at the northwest intersection of Gum Branch Road and Lakewood Drive. The parcel is within the City of Jacksonville limits. The subject parcel is bordered to the North and East by residential single family and multi-family development zoned RM-6, to the East by NB zoning, to the South, across Gum Branch Road by the Woodlands neighborhood and undeveloped property zoned R-7, and to the West by the River of Life Church zoned CU-B-1.

The Residential Multi-family 6 zoning district is intended for single and multi-family residential development in the City. The standards established in the RM-6 zone are intended to promote and enhance a neighborhood residential identity that is characterized by a mix of residential types and uses. Conventional setback standards are maintained in this zoning district. Single-family and duplex residential uses are permitted.

The Neighborhood Business zoning district is intended to primarily serve those people living in the immediate area. The size and types of the businesses in this zone are restricted so as to alleviate major traffic and congestion in this area. It is the intent of this zone to restrict vehicular access to side streets and prohibit access to major and minor thoroughfares. It does allow numerous businesses oriented to serve adjoining residential areas with their needs and not adversely affect neighborhoods. Adequate parking areas are required.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning includes one parcel totaling 1.193 acres. The proposed rezoning is located in an area with a variety of lot sizes. Across Lakewood Drive and directly to the North, lots from approximately one half of an acre to three acres. Directly to the West however, there exists one lot that consists of more than 12 acres.

As the subject lot is neither much larger, nor much smaller than many of the lots in the area, the size of the lot appear to be reasonable.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

The Growth Management Element (2007) and the DRAFT CAMA Future Land Use Map recommend a Neighborhood Commercial (NC) designation. Neighborhood Commercial designations represents small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

Staff has reviewed the current (1999) and Draft CAMA Land Use Plan Update (2010) as well as the Growth Management Plan (2007) and has determined that approving the rezoning request will be complimentary to these plans. Further, approving the request will advance the public interest.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

The subject parcel is bordered to the North and East by residential single and multi-family development zoned RM-6, to the East by NB zoning, to the South, across Gum Branch Road by the Woodlands neighborhood zoned R-7, and to the West by the River of Life Church zoned CU-B-1.

The proposed zoning district should have a limited impact on surrounding properties as the existing land use has existed for several years and the proposed district was created to act as transition between residential areas and major roadways like Gum Branch Road.

Given the surrounding similar land uses and complimentary zoning districts, Staff believes the rezoning request to be reasonable.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 34 (RM-6), Section 64 (NB) of the Zoning Ordinance can be found in Attachments C and D.

The NB zoning district is more intense than the RM-6 district however, the NB district is specifically created to form transitions between residential districts and major roadways. Also, the existing traffic patterns and anticipated future development along Gum Branch Road make the transition from residential to small scale business reasonable.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels have been notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Options

Approve the Rezoning as requested by the Applicant (**RECOMMENDED**).

- Pros: The rezoning request will create a designation that will allow commercial land uses that are in character with other development on Gum Branch Road. The existing non-conforming land uses would become conforming uses.
- Cons: The rezoning request allows for a moderate change in land use.

Deny the Rezoning Request.

- Pros: Denial of the rezoning request would ensure that zoning in the area would remain consistent and compatible with existing land uses.
- Cons: Denial of the rezoning request will not allow the property owner to develop the property in a desired manner. The existing non-conforming land uses would remain non-conforming uses.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Board would like to receive.

- Pros: Would allow the property owner, staff and the residents to try and work out any concerns raised, if any.
- Cons: None.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Legal Descriptions of Proposed Rezoning Boundaries

1.193 Acres on N.C.S.R. 1308

Portion of Lot 1, Block B, Lakewoods Development

Jacksonville Township, Onslow County, North Carolina

Commencing at an existing NCGS Monument "Don 2" having coordinates of North = 381,784.77 and East 2,471,252.80 (NAD 83 - 2001), thence leaving said monument North 20 degrees 36 minutes 00 seconds West 293.51 feet to a nonmonumented point in the eastern right-of-way line of N.C.S.R. 1308 - Gum Branch Road and being THE TRUE POINT OF BEGINNING: thence from the above described true point of beginning and leaving the eastern right-of-way line of N.C.S.R. 1308 North 33 degrees 01 minutes 57 seconds East 0.89 feet to a disturbed existing North Carolina Department of Transportation Right-of-Way concrete monument, thence North 33 degrees 01 minutes 57 seconds East 80.61 feet to an existing concrete monument, thence North 31 degrees 37 minutes 36 seconds East 125.38 feet to a set iron rod, thence South 56 degrees 12 minutes 18 seconds East 213.61 feet to a set iron rod in the northern right-of-way line of Lakewood Drive, thence along said northern right-of-way line South 33 degrees 39 minutes 03 seconds West 272.71 feet to an existing North Carolina Department of Transportation Right-of-Way concrete monument in said northern right-of-way line, thence leaving said northern right-of-way line and along the eastern right-of-way line of N.C.S.R. 1308 North 79 degrees 24 minutes 48 seconds West 22.40 feet to an existing North Carolina Department of Transportation Right-of-Way concrete monument and North 34 degrees 30 minutes 24 seconds West 202.20 feet to a nonmonumented point in said eastern right-of-way line and being the point and place of beginning. Being all of Lot 1, Block B, Lakewoods Development with the exception of any land within the right-of-way of N.C.S.R. 1308 and containing 1.193 acres as surveyed by Charles Francis Riggs, P.L.S. L-2981 on March 15, 2011. The courses contained within are correct in angular relationship and referenced to Map Book 4, Page 79 of the O County Registry.

Charles Francis Riggs, P.L.S. L-2981

WORKSHEET FOR REZONING REQUESTS

Applicant: Charles Riggs & Associates, on behalf of Reba Gentry

Property Location: 1900 Gum Branch Road

Tax Map and Parcel ID: 339D-1

Existing zoning designation: Residential Multi-family 6 (RM-6)

Proposed zoning designation: Neighborhood Business (NB)

REASONABLENESS FINDINGS OF FACT:

A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

Attachment

A

ORDINANCE (2010-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Neighborhood Business as shown on the below map (Tax map and parcel id #339D-1) and as described in the attached legal description:



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 5th day of April 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen Miracle, City Clerk

Attachment

B



Draft Planning Board Minutes – March 14, 2011

Agenda Item:	3
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Rezoning from RM-6 to NB – 1900 Gum Branch Road

Charles Riggs & Associates, on behalf of Reba Gentry has submitted a request to rezone a portion of a parcel totaling 1.193 acres from Residential Multi-Family 6 (RM-6) to Neighborhood Business. This site is located at 1900 Gum Branch Road at the northwest intersection of Gum Branch Road and Lakewood Drive. The parcel proposed for rezoning is located at 1900 Gum Branch Road, at the northwest intersection of Gum Branch Road and Lakewood Drive. The parcel is within the City of Jacksonville limits. The subject parcel is bordered to the North and East by residential single family and multi-family development zoned RM-6, to the East by NB zoning, to the South, across Gum Branch Road by the Woodlands neighborhood and undeveloped property zoned R-7, and to the West by the River of Life Church zoned CU-B-1.

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcel will be notified of the proposed rezoning. In addition, Public Hearing notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting. Staff recommends approval of the rezoning request submitted by the Applicant.

Ms. VanderVere asked if there would be any changes to get in and out of this business. Ms. Sertell stated there would be no changes. Mr. Spring asked if the businesses are considered non-conforming and if this rezone gets approved would it put them in conforming status. Ms. Sertell said yes.

Homer Spring moved to approve the rezoning request RM-6 to Neighborhood Business. Danny Williams seconded the motion.

The motion to approve the rezoning request RM-6 to Neighborhood Business was unanimously approved by the Board Members present.

Attachment

C

Section 34. Residential Multi-Family 6 (RM-6) Zone

Section 34. Residential Multi-Family 6 (RM-6) Zone *(Amended 5/6/98)*

The Residential Multi-Family 6 (RM-6) zoning classification is intended for single and multi-family residential development in the City. The standards established in the RM-6 zone are intended to promote and enhance a neighborhood residential identity that is characterized by a mix of residential types and uses. Conventional setback standards have been maintained in this zoning district. In keeping with the intent of the zone, single-family and duplex residential uses are permitted.

A. Minimum Lot Size

All lots in the RM-6 Zone shall be a minimum of 6,000 square feet with the following exception:

If a lot has an area of less than the above minimum requirement and was of record on April 8, 1952, a single-family dwelling can be built upon it; provided, that the requirements of Section 96. Nonconformities are met.

B. Residential Density

1. All lots in the RM-6 Zone shall conform to the residential density requirements as indicated in the following table:

Number of Dwelling Units	Minimum Lot Area (square feet)
1	6,000
2	12,000

2. All lots in the RM-6 Zone shall have a maximum density of two (2) dwelling units per lot.
3. All lots in the RM-6 zone shall not exceed a lot coverage requirement of 50 percent.

C. Minimum Lot Width

All lots in the RM-6 zone shall have a minimum lot width of 50 feet at the minimum building line.

D. Building Setback Requirements

1. Subject to the provisions of Section 19. Residential Zones –

Attachment

D

Section 34. Residential Multi-Family 6 (RM-6) Zone

General Provisions and this section, no portion of any primary building in the RM-6 zone may be located on any lot closer to any lot line than is authorized in the table set forth in this section.

Interior Lots:

Zone	Front (Right of Way)	Rear Setback	Side Setback	Lot Coverage
RM-6	30 feet	25 feet	8 feet	50%

Corner Lots:

Zone	Designated Front (Right of Way) Setback	Designated Side (Right of Way) Setback	Side Setback	Rear Setback	Lot Coverage
RM-6	30 feet	15 feet	8 feet	15 feet	50%

Double Frontage Lots:

Zone	Designated Front (Right of Way) Setback	Designated Rear (Right of Way) Setback	Side Setback	Side Setback	Lot Coverage
RM-6	30 feet	30 feet	8 feet	8 feet	50%

E. Accessory Building Setback Requirements

All accessory buildings in the RM-6 Zone shall comply with the building setback requirements set forth in subsection D of this section with the exception of the side and rear setbacks which shall be a minimum of 5 feet.

F. Building Height Limitations

1. Building height in the RM-6 zone shall be limited to 35 feet.
2. Features exempt from the height limitations can be found in Section 16.
(Amended 10/2/01)

G. Permitted Uses:

Community Docking Facility (Minor)
Family Care Homes
Family Childcare Homes
Home occupations
Parks and playgrounds

(Amended 6/5/07)
(Amended 7/17/07)
(Amended 3/16/04)

Section 34. Residential Multi-Family 6 (RM-6) Zone

Residence, Duplex
Residence, Single-family detached, One dwelling unit per lot
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Temporary real estate/construction offices
Temporary refreshment stands
Utility, Minor *(Amended 4/20/10)*

H. Special Uses

Churches and other religious uses
Clubs, lodges, and other civic organizations operating on a non-profit basis
Community Docking Facility (Major) *(Amended 6/5/07)*
Day care centers, nurseries, and pre-schools
Governmental uses such as offices, and emergency facilities
Libraries
Recreational facilities such as golf courses, playgrounds, parks, community centers, swimming pools, and similar recreation uses.
Schools, private and public
Telecommunications Tower, Freestanding *(Amended 10/6/09)*
Temporary convalescent housing

Section 64. Neighborhood Business (NB) Zone.

Intent: This business zone is established primarily to serve those people living in the immediate area. The size and types of the businesses in this zone are restricted so as to alleviate major traffic and congestion in this area. It is the intent of this zone to restrict vehicular access to side streets and prohibit access to major and minor thoroughfares. It does allow numerous businesses oriented to serve adjoining residential areas with their needs and not adversely affect neighborhoods. Adequate parking areas are required. *(Amended*

1/7/03)

A. Area Regulations.

1. Buildings erected in the Neighborhood Business Zone for single dwelling purposes exclusively shall comply with the front and side yard requirements of the RM-5 Residential Multi-Family Zone. *(Amended 2/3/98)*

All lots shall comply with the applicable Areas of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974.

(Amended 10/2/79)

2. Where a building is erected for mixed uses, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than 2 rooms in depth, be provided with 2 side yards, 1 on each side of the building, neither of which shall be less than 6 feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
3. Where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than 6 feet in width.
4. Any use or combination of uses (listed below), which involves a building or combination of buildings that equals 10,000 square feet but does not exceed 25,000 square feet on any lot or combination of lots under single ownership, use or management shall require a special use permit. *(Amended 1/7/03)*
5. Right-of-way Setback. Buildings shall be set back at least 50 feet from the right-of-way of all major or minor thoroughfares, as depicted on the amended City of Jacksonville Thoroughfare Plan. When fronting on any other private or public roads, buildings shall be set back at

Attachment

E

Section 64. Neighborhood Business (NB) Zone

least 25 feet from the right-of-way. An existing building that intrudes into the required setback may expand, but no additional construction shall be placed in any required setback. *(Amended 7/7/98)*

B. Driveway Limitations

1. Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
2. Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
3. Four or more driveways entering the same street from a single lot shall be prohibited.
4. In no case may the total width of all driveways exceed 50% of the total property frontage.
5. No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb cut/access point) utilized by two or more lots.
6. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a public street or City approved private road is available. *(Amended 9/8/87)*

C. Permitted Uses:

(Amended 1/7/03)

Accessory uses
Alcoholic beverages, package sales
Apartments
Art galleries
Bakery, retail
Churches
Clinics
Convenience food store, including gasoline sales (not to exceed 4 fueling positions)
Day care centers and nurseries
Dry cleaning and laundry facilities
Dwellings, multiple
Dwellings, single
Family Childcare Homes
Florist

(Amended 3/16/04)

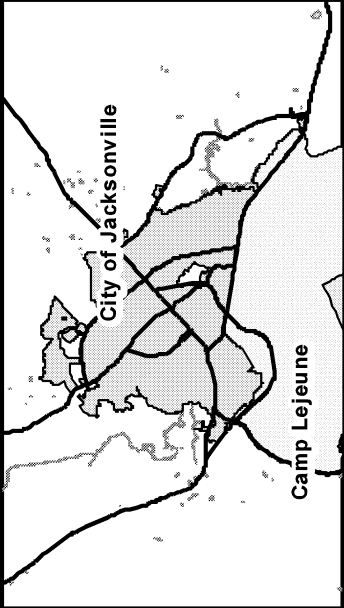
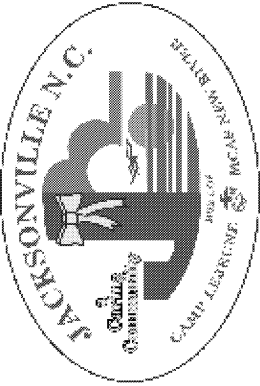
Section 64. Neighborhood Business (NB) Zone

Funeral homes and mortuaries
Greenhouses or horticultural gardens, commercial
Greenhouses or horticultural gardens, non-commercial
Home occupations
Library, public and/or private
Museums, public and/or private
Offices - business, professional and public
Parking garages, private
Parking lot, private
Parking lot, public
Parks and playgrounds, public and/or private
Pet shops
Pets, not objectionable because of odor, noise, or health hazard
Pharmacy (drive-thru not permitted)
Photographic studios and camera supply
Recreation centers
Rest homes/nursing homes
Restaurants (drive-thru not permitted)
Retail sales
Service shops, such as beauty, barber, shoe repair, and electronic repair
Tailor, dressmaking and millinery shops
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Utility, Minor *(Amended 4/20/10)*
Vegetable gardens, non-commercial

D. Special Uses *(Amended 1/7/03)*

Animal Hospitals
Any use or combination of uses, which involves a building or combination of buildings that equals 10,000 square feet but does not exceed 25,000 square feet on any lot or combination of lots under single ownership, use or management shall require a special use permit
Banks
Clubs, lodges, and other civic organizations, operating on a non-profit basis
Nightclubs/dance halls/discotheques
Public/Private storage service yards, fire stations, maintenance and operations facilities, and similar governmental facilities.
Taverns/bars
Telecommunications Tower, Freestanding *(Amended 10/6/09)*

Existing Zoning- 1900 Gum Branch



Legend	
Zoning Districts	
B-1	
B-2	
CBD	
CU-B	
CU-B-1	
CU-B-2	
CU-NB	
CU-O&I	
CU-RA-20	
CU-TCA	
IND	
MR	
NB	
O&I	
OMU	
R-7	
R-O	
RA-20	
RD-3	
RD-5	
RM-5	
RM-6	
RS-10	
RS-12	
RS-5	
RS-6	
RS-7	
TCA	
WATER	

Attachment

F

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED
IN FLOOD ZONE _____ "X" WHICH IS NOT
A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE
FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL
FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER
370178 37204378004. NOVEMBER 3, 2005

NOW OR FORMERLY
KRYSTAL JEFFERSON
1010 FOSCUE DR.
JACKSONVILLE, NC 28540
D.B. 2374, P. 401
ZONED R-7
RESIDENTIAL USE

NOW OR FORMERLY
 USC VENDERS, INC.
 100 SOUTH MAIN, BLD.
 200, SUITE 200
 D.B. 1225, P. 588
 ZONED RM-6
 RESIDENTIAL USE

NOW OR FORMERLY
ROBERT J. ROSEMEIER & WIFE
ORRIE ANN PENDOLA ROSEMEIER
214 TANBRIDGE RD.
WILMINGTON, NC 28405
D.B. 3156, P. 746
ZONED R-7
VACANT

NOW OR FORMERLY
MUSIC VENDERS, INC.
SOUTH MARINE BLVD.
WAXSONVILLE, NC 28540
D.B. 430, P. 641
ZONED NB
COMMERCIAL USE

NOW OR FORMERLY
DEANE LEONE ENTERPRISES
1826 GUM BRANCH RD.
JACKSONVILLE, NC 28546
D.B. 728, P. 307
ZONED RM-6
RESIDENTIAL USE

NOW OR FORMERLY
BRUNELLI RENTALS, LLC
1310 HAWS RUN ROAD
MAPLE HILL, NC 28454
D.B. 1599, P. 463
ZONED RM-6
COMMERCIAL USE

CHARLES F. RIGGS & ASSOCIATES, INC.

JACKSONVILLE, NC 25841-1570
TELEPHONE (910) 455-0877
FACSIMILE (910) 455-9033
higgsland@bizec.ir.com

REBA E. GENTRY
1900 GUM BRANCH RAOD
JACKSONVILLE, NC 28540
910 333 4553

REBA E. GENTRY
FOR
REQUEST FOR REZONE

IN

OWNERS
WILLIAM P. GENTRY & WIFE

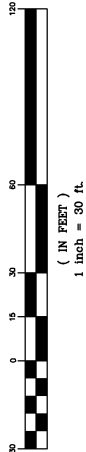
TITLE SOURCE
D.B. 312, P. 499 (LOTS 1 & 2)

TAX_ID
339D-1

REFERENCES

[illegible]

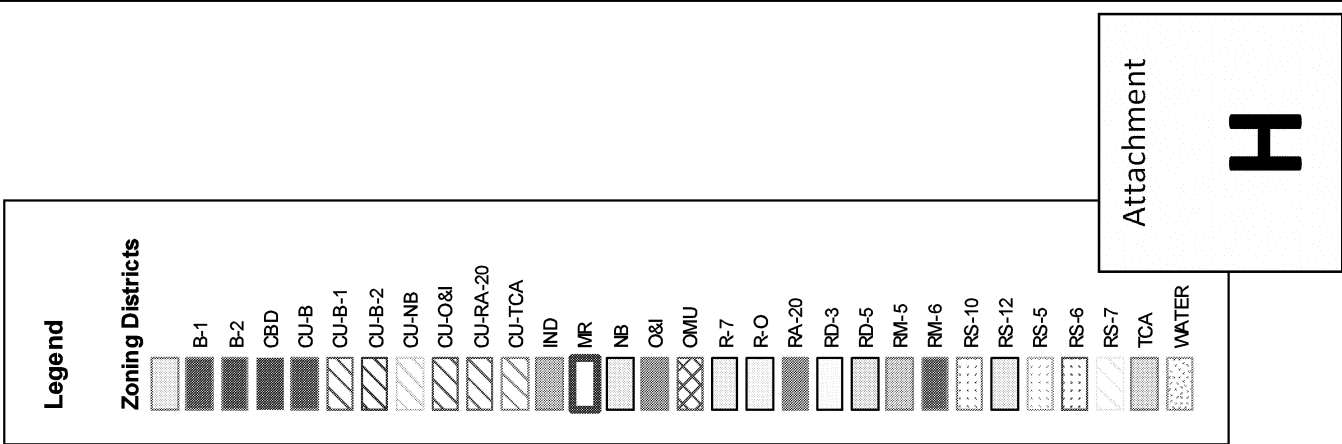
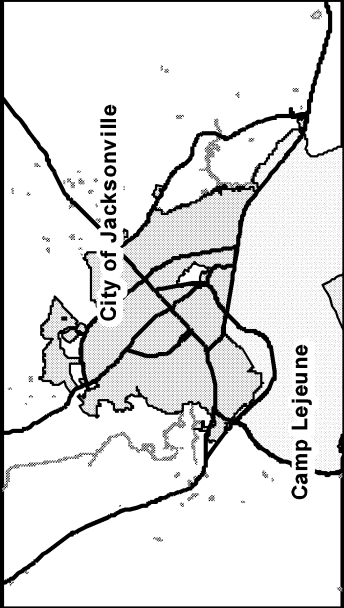
GRAPHIC SCALE



FIELD BOOK: 742, PAGE: 16
COMPUTER: VAULT/10-10-03/10-10-03 REZONE.dwg

Attachment





The map displays a residential area with several streets and land parcels. The streets shown are Wilson, Cardinal, Indian, Western, Sandy, Lakewood, Gum Branch, Foscue, Northwoods, and Iverleigh. The land parcels are labeled with codes such as R-7, RM-6, TCA, B-1, NB, and CU-B-1. A large parcel is labeled '75' and is shaded with diagonal lines. The map also shows a network of roads and a central area labeled 'PLANTATION'.



Request for City Council Action

Agenda Item:	4
Date:	4/5/2011

Subject: Public Hearing - Voluntary Annexation Petition – John Stevenson - Toyota – 3124 New Bern Highway – 16.72-acres

Department: City Manager's Office

Presented by: Ron Massey, Assistant City Manager

Presentation: Yes

Issue Statement

John O. Stevenson has submitted a voluntary annexation petition for a 16.72-acre tract located in the Extra Territorial Jurisdiction and contiguous to the current City limit boundaries.

The parcel is located at 3124 New Bern Hwy and is the site for future development of an 85,079 square foot automobile sales center.

Financial Impact

Costs and Revenues are provided in the attached detailed Annexation Analysis Total Cost Benefit Summary. The financial analysis shows a positive net cash flow over the five year review period.

Action Needed

Conduct Public Hearing

Consider Annexation Ordinance

Recommendation

Staff recommends that Council adopt the Annexation Ordinance as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Ordinance
- B Financial Analysis
- C Location Map



Staff Report

Voluntary Annexation Petition

Stevenson Property – (US Hwy 17) - 3124 New Bern Highway-16.72-acres

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits. The parcel is located at 3124 New Bern Hwy and is the site for future development of an 85,079 square foot automobile sales center.

Procedural History

- March 8, 2011 – Council adopted a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition. Also, Council approved a Special Use Permit and Site Plan with the conditions identified below and approved sewer allocation of 5,625 gpd subject to annexation,

Conditions of Special Use Permit

- 1) Construct and execute all recommended improvements as noted in the final TIA;
- 2) (a) Construct and execute the proposed collector street, named Commerce Road; (b) Provide an acceptable agreement that outlines the responsible parties for constructing this section of Commerce Road and dedicate the right-of-way to the City of Jacksonville; and (c) Building permits and/or certificates of occupancies will be withheld until such time that a Commerce Road Agreement be negotiated by the City Attorney and upon final approval by Council.
- 3) Allowance of use of septic system until water and sewer are made available.

Conditions of Site Plan

- 1) Show correct parking calculations;
 - 2) Show the proposed collector street, named Commerce Road, on the Site Plan if an acceptable agreement cannot be provided (Condition of SUP 2B above).
- March 22, 2011 – Council adopted a Resolution scheduling a future Public Hearing.
 - April 5, 2011 – Council will conduct a Public Hearing and consider the Annexation Ordinance.
 - April 30, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- John O. Stevenson – Property owner/petitioner
- Citizens of Jacksonville

Staff has not been presented with any negative information related to the annexation and is unaware of any opponents to the petition at this time.

Financial Analysis:

The annexation area does not require significant infrastructure investment on the City's behalf.

The financial analysis relies significantly on input provided by the developer. This input includes the future development of a retail automobile dealership valued at \$8,000,000. If this input does not hold true, then the financial analysis could change significantly. Using the assumptions provided by the developer, the financial analysis shows a positive net cash flow over the five year review period.

The financial analysis model is also highly sensitive to changes in assumptions related to the timing and amount of public safety service investments and the absorption rate.

Fire Station #4 in the Jacksonville Commons area will be able to provide service for the Stevenson Property Annexation; however, it should be noted, that this area is outside of the Insurance Services Office (ISO) recommended 1.5-mile road miles from the first due engine-company. This has the potential to adversely affect future ISO ratings for the city. As this area is developed, we anticipate an increase in the number of calls for service with response times greater than 5-minutes, requiring an additional fire station in the Piney Green Road area.

Options

Adopt the Annexation Ordinance: **RECOMMENDED.**

- Pros: The site is contiguous to the current corporate limits and is proposed for future commercial development; Council has approved a Special Use Permit and Sewer Allocation contingent upon annexation of the site.
- Cons: None

Deny the Annexation Ordinance:

- Pros: None
- Cons: This action would conflict with past actions associated with contiguous property approved for development;

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2011-)

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF JACKSONVILLE, NORTH CAROLINA**

**JOHN STEVENSON PROPERTY (TOYOTA)
3124 NEW BERN HIGHWAY
16.72-ACRES**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of the annexation was held at the Jacksonville City Hall at 7 o'clock, P.M. on the 5th day of April 2011, after due notice of publication on the 26th day of March, 2011, and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made a part of the City of Jacksonville effective April 30, 2011:

**JOHN O STEVENSON
16.32 ACRE TRACT (TOYOTA SITE)
JACKSONVILLE TOWNSHIP, ONSLOW COUNTY**

TO REACH THE POINT OF BEGINNING COMMENCE AT NCGS MONUMENT "CARTER" WITH THE NAD 83 VALUE OF NORTHING 383,650.7170 FEET AND EASTING 2,489,29.0710 FEET AND RUNS SOUTH 50 DEGREES 51 MINUTES 28 SECONDS WEST A DISTANCE OF 849.87 FEET TO AN EXISTING PK NAIL LOCATED WHERE THE EXTENDED CENTERLINE OF NCSR 1326 - A.K.A. DRUMMER KELLUM RD, INTERSECTS THE EASTERN RIGHT OF WAY OF US HWY 17, THE NORTHWEST CORNER OF TRACT 6 AND THE SOUTHWEST CORNER OF TRACT 2 AS PER MAP BOOK 46 PAGE 239, THE TRUE POINT OF BEGINNING. THENCE FROM THE TRUE POINT OF BEGINNING AND ALONG THE SAID COMMON LINES OF TRACT 6 AND TRACT 2 AND THE CENTERLINE OF A 60 FOOT EASEMENT, SOUTH 41 DEGREES 55 MINUTES 33 SECONDS EAST A DISTANCE OF 117.00 FEET TO AN EXISTING IRON STAKE, A POINT OF CURVATURE; THENCE WITH THE SAID CURVE WHICH HAS A RADIUS OF 310.00 FEET EASTERLY AND TO THE RIGHT (HAVING A CHORD OF SOUTH 33 DEGREES 50 MINUTES 41 SECONDS EAST A DISTANCE OF 87.15 FEET) AN ARC LENGTH OF 87.44 FEET TO AN EXISTING IRON STAKE; THENCE SOUTH 25 DEGREES 45 MINUTES 50 SECONDS EAST A DISTANCE OF 405.06 FEET TO AN EXISTING IRON STAKE, A POINT OF CURVATURE; THENCE WITH THE SAID CURVE WHICH HAS A RADIUS OF 310.00 FEET EASTERLY AND TO THE LEFT (HAVING A CHORD OF SOUTH 33 DEGREES 50 MINUTES 41 SECONDS EAST A DISTANCE OF 87.15 FEET) AN ARC LENGTH OF 87.44 FEET TO A SET SPIKE; THENCE SOUTH 41 DEGREES 55 MINUTES 33 SECONDS EAST A DISTANCE OF 196.37 FEET TO A EXISTING IRON STAKE LOCATED IN THE CENTERLINE OF A 60 FOOT EASEMENT AND THE WESTERN LINE OF WILLIAM TROY HUMPHREY AS PER DEED BOOK 539 PAGE 165; THENCE ALONG THE

Attachment

A

SAID WESTERN LINE OF WILLIAM TROY HUMPHREY LINE AND THE SAID CENTERLINE OF THE 60 FOOT EASEMENT SOUTH 48 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 685.39 FEET TO AN EXISTING IRON STAKE LOCATED IN THE RUN OF A DITCH OR BRANCH, ARLINE K. COLLINS AND OTHERS LINE, AND THE SOUTHEAST MARGIN OF A 60 FOOT EASEMENT; THENCE WITH THE SAID NORTHWEST LINE OF ARLINE K. COLLINS, AND THE SAID SOUTHEAST MARGIN OF THE 60 FOOT EASEMENT, AND THE RUN OF THE DITCH OR BRANCH, SOUTH 83 DEGREES 38 MINUTES 18 SECONDS WEST A DISTANCE OF 21.65 FEET TO AN EXISTING ¾" PVC PIPE; THENCE NORTH 86 DEGREES 48 MINUTES 45 SECONDS WEST A DISTANCE OF 18.19 FEET TO AN EXISTING ¾" PVC PIPE; THENCE SOUTH 82 DEGREES 20 MINUTES 15 SECONDS WEST A DISTANCE OF 42.89 FEET TO AN EXISTING ¾" PVC PIPE; THENCE SOUTH 73 DEGREES 34 MINUTES 50 SECONDS WEST A DISTANCE OF 24.57 FEET TO AN EXISTING IRON STAKE LOCATED AT THE NORTHEAST CORNER OF TRACT 7; THENCE ALONG THE NORTHERN LINE OF SAID TRACT 7 NORTH 41 DEGREES 52 MINUTES 33 SECONDS WEST A DISTANCE OF 815.56 FEET TO AN EXISTING IRON STAKE LOCATED IN THE EASTERN RIGHT OF WAY OF US HWY 17 WHICH HAS AN APPROXIMATE 162 FOOT RIGHT OF WAY; THENCE WITH THE SAID EASTERN RIGHT OF WAY OF US HWY 17 NORTH 48 DEGREES 07 MINUTES 34 SECONDS EAST A DISTANCE OF 847.94 FEET TO A SET PK NAIL; THENCE CONTINUING WITH SAID RIGHT OF WAY NORTH 48 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 62.06 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 16.72 ACRES MORE OR LESS. AND BEING ALL OF TRACT 6 AS SHOWN ON THE RECOMBINATION PLAT FOR RWK INVESTMENTS LLC, WILLIAM TROY HUMPHREY AND PARKER MANUFACTURING INC., AND RECORDED IN MAP BOOK 47 PAGE 85. THE COURSES HEREIN ARE REFERENCE TO NC GRID NORTH AS PER MAP BOOK 46 PAGE 239, ONSLOW COUNTY REGISTRY OF DEEDS. Barden Lanier, PLS 1223

Section 2. Upon and after the 30th day of April 2011, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Jacksonville and shall be entitled to the same privileges and benefits as other parts of the City of Jacksonville. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

Section 3. The Mayor of the City of Jacksonville shall cause to be recorded in the Office of the Register of Deeds of Onslow County, and in the Office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted by the City Council of the City of Jacksonville in regular session this 5th day of April 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

**City of Jacksonville
Annexation Analysis
Total Cost-Benefit Summary**

3/23/2011

Stevenson Toyota

Completion of project will have one retail automobile lot.

Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	5 Year
2012	2013	2014	2015	2016	Total

Section 1: Total Revenues

Property Taxes	\$13,396	\$54,749	\$54,749	\$54,749	\$54,749	\$232,393
Sales Tax	\$4,959	\$20,265	\$20,265	\$20,265	\$20,265	\$86,019
Powell Bill (Gas Tax)	\$259	\$266	\$274	\$283	\$291	\$1,373
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$0	\$25	\$25	\$25	\$25	\$100
Water Revenues	\$1,058	\$325	\$325	\$328	\$331	\$2,367
Sewer Revenues	\$2,147	\$580	\$580	\$582	\$584	\$4,472
Stormwater Revenues	\$7,266	\$7,266	\$7,266	\$7,266	\$7,266	\$36,328
Total Estimated Revenues	\$29,084	\$83,476	\$83,484	\$83,497	\$83,511	\$363,052
Discounted Revenues	\$29,084	\$79,881	\$76,449	\$73,168	\$70,029	\$328,611

Section 2: Total Expenditures

Police	\$1,052	\$2,774	\$2,858	\$2,943	\$3,032	\$12,659
Fire	\$0	\$2,996	\$3,086	\$3,178	\$18,343	\$27,603
Water	\$0	\$6,336	\$6,526	\$6,721	\$6,923	\$26,506
Sewer	\$0	\$2,319	\$2,252	\$2,252	\$2,252	\$9,074
Transportation	\$0	\$502	\$502	\$502	\$502	\$2,006
Solid Waste	\$0	\$0	\$0	\$0	\$0	\$0
Parks and Recreation	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater	\$7,266	\$8,098	\$8,122	\$8,146	\$8,171	\$39,803
Streets, Streetlights, Mosquito Control	\$4,471	\$3,677	\$3,704	\$3,731	\$3,759	\$19,341
Total Estimated Expenditures	\$12,789	\$26,701	\$27,048	\$27,474	\$42,980	\$77,849
Discounted Expenditures	\$12,789	\$25,551	\$24,769	\$24,075	\$36,042	\$123,226

Total Discounted Net Revenues (Expenditures)	\$16,295	\$54,330	\$51,680	\$49,093	\$33,987	\$205,385
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*Fiscal Year runs from July 1 through June 30 of the year listed.

Equivalent Police Officers Required	0.011	0.028	0.028	0.028	0.028	0.028
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The City's ISO Rating is Class 3 (70.98).

This annexation's potential affect on this rating:

Same	- If New Station is not Built and Manned
Better	- If New Station is not Built and Manned
Worse	X If New Station is not Built and Manned

Attachment

B

**City of Jacksonville
Annexation Analysis
General Government Revenue Summary Sheet**

3/23/2011

Stevenson Toyota	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
<u>Revenue Source</u>						
Property Taxes	\$13,396	\$54,749	\$54,749	\$54,749	\$54,749	\$232,393
Sales Tax	\$4,959	\$20,265	\$20,265	\$20,265	\$20,265	\$86,019
Powell Bill (Gas Tax)	\$259	\$266	\$274	\$283	\$291	\$1,373
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$0	\$25	\$25	\$25	\$25	\$100
Total Estimated Revenues	\$18,613	\$75,306	\$75,314	\$75,322	\$75,330	\$319,885

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> </div>						3/23/2011
Stevenson Toyota	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Real Property Calculations						
	\$2,591,600	\$10,591,600	\$10,591,600	\$10,591,600	\$10,591,600	\$44,958,000
Section 2: Personal Property Calculations						
Number of Dwellings	0	0	0	0	0	
Average Number of Cars Per Dwelling	1.6	1.6	1.6	1.6	1.6	
Number of Cars	0	0	0	0	0	
Average Value Per Car	\$7,930	\$8,089	\$8,250	\$8,415	\$8,584	
Total Personal Property	\$0	\$0	\$0	\$0	\$0	\$0
Section 3: Total Tax Calculations						
Total Tax Value	\$ 2,591,600	\$ 10,591,600	\$ 10,591,600	\$ 10,591,600	\$ 10,591,600	
Tax Rate per \$100 valuation	0.5380	0.5380	0.5380	0.5380	0.5380	
Total Tax Levy	\$ 13,943	\$ 56,983	\$ 56,983	\$ 56,983	\$ 56,983	
Collection Rate	0.9608	0.9608	0.9608	0.9608	0.9608	
Total Estimated Tax Revenue	\$13,396	\$54,749	\$54,749	\$54,749	\$54,749	\$232,393

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> </div>						3/23/2011
Stevenson Toyota	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
Section 1: Sales Tax Calculations						
<i>Sales Tax Revenue Per 1,000 Residents</i>	\$52,168	\$52,794	\$53,428	\$54,069	\$54,718	
<i>Parcel Population</i>	0	0	0	0	0	
<i>Sales Tax Revenue Per \$1,000 Property Tax</i>	0	0	0	0	0	
<i>Parcel Levy</i>	13943	56983	56983	56983	56983	
Total Sales Tax Revenue	\$4,959	\$20,265	\$20,265	\$20,265	\$20,265	\$86,019
Section 2: Gas Tax Calculations (Powell Bill)						
<u>75% Allocation Based on Per Capita Population</u>						
<i>Per Capita Reimbursement Rate</i>	\$20	\$20	\$21	\$21	\$22	
<i>Parcel population</i>	0	0	0	0	0	
<i>Subtotal for Per Capita</i>	\$0	\$0	\$0	\$0	\$0	\$0
<u>25% Allocation Based on Non-State Street Miles</u>						
<i>Reimbursement Rate per Street Mile</i>	\$1,521	\$1,567	\$1,614	\$1,662	\$1,712	
<i>Number of Non-State Street Miles</i>	0	0	0	0	0	
<i>Subtotal for Street Miles</i>	\$259	\$266	\$274	\$283	\$291	\$1,373
Total Gas Tax Calculations	\$259	\$266	\$274	\$283	\$291	\$1,373
Section 3: Utility Tax Calculations						
<i>Utility Tax Per 1000 Residents</i>	\$37,234	\$38,351	\$39,502	\$40,687	\$41,907	
<i>Parcel Population</i>	0	0	0	0	0	
Total Utility Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
Section 4: Business Fee Calculations						
	\$0	\$25	\$25	\$25	\$25	\$100
Total Revenues	\$5,217	\$20,557	\$20,565	\$20,573	\$20,581	\$87,492

**City of Jacksonville
Annexation Analysis
Police Cost Worksheet**

3/23/2011

Stevenson Toyota

Section 1: Descriptive Data

Number of Authorized Sworn Officers	City Population	City Square Mileage	Average Personnel Costs	Average Operating Cost	Average Capital Cost	Total Officer Cost
115	81,612	54.85	\$68,019	\$23,083	\$3,284	\$94,387

Section 2: Ratios

Average Number of Square Miles Per Sworn Officer	0.48	Jacksonville Actual	0.42	National Standard	
Average Number of People Per Sworn Officer	709.67	Jacksonville Actual	313	National Standard	
Average Number of Calls for Service Per Sworn Officer	924.17	Jacksonville Actual	604.00	National Standard	
Average Number of Commercial Buildings Per Sworn Officer	11.70	Jacksonville Actual	12.70	National Standard	
Average Number Homes Per Sworn Officer	101.23	Jacksonville Actual	171.50	National Standard	

Section 3: Average Total Cost Per Officer

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
Average Cost Per Officer	\$94,387	\$97,218	\$100,135	\$103,139	\$106,233	\$501,112
Factor for E-911 Employees (4%)	\$1,664	\$1,714	\$1,765	\$1,818	\$1,873	\$8,835
Average Total Cost Per Officer	\$96,051	\$98,932	\$101,900	\$104,957	\$108,106	\$509,947

Section 4: Five-Year Parcel Data

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Square Mileage	0.026	0.026	0.026	0.026	0.026	
Commercial Buildings	0	1	1	1	1	
Population	0	0	0	0	0	
Complaints	0.00	0.00	0.00	0.00	0.00	
Homes	0	0	0	0	0	

Section 5: Five-Year Cost Projection

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
Per Square Mile	\$5,261	\$5,419	\$5,582	\$5,749	\$5,921	\$27,932
Per Commercial Building	\$0	\$8,453	\$8,706	\$8,967	\$9,236	\$35,363
Per 1,000 Population	\$0	\$0	\$0	\$0	\$0	\$0
Per # Complaints	\$0	\$0	\$0	\$0	\$0	\$0
Per # Homes	\$0	\$0	\$0	\$0	\$0	\$0

Section 5: Total Police Estimate
(Higher of Values in Section 5)

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
Stevenson Toyota	\$1,052	\$2,774	\$2,858	\$2,943	\$3,032	\$12,659
Equivalent Officers Needed	0.011	0.028	0.028	0.028	0.028	0.028

City of Jacksonville Annexation Analysis Fire Cost Worksheet					
					3/23/2011
Stevenson Toyota	Infill Development No Cost		no		
Section 1: Descriptive Data					
Number of Fire Stations	City Population	City Square Mileage	Total Department Cost	ISO Max. Sq. Mi. to Service	Square Miles of Annexation Proposal
4	81,612	54.85	\$6,106,719	7.065	0.026
SCENARIO I					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If VFD present in annexation area, then one of four things can happen:</i>					
1.) The City can enter into a contract with the VFD and allow them continue servicing the area with fire protection					
Total Cost to City if enter into contract with VFD	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the annexation area with an existing station and pay a portion of the VFD's debt service.					
Portion of cost to operate existing station	\$2,909	\$2,996	\$3,086	\$3,178	\$3,274
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with existing station	\$2,909	\$2,996	\$3,086	\$3,178	\$3,274
3.) The City can take over service of the annexation area with a new station and pay a portion of the VFD's debt service.					
Portion of cost to build new station	\$16,298	\$16,787	\$17,290	\$17,809	\$18,343
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with new station	\$16,298	\$16,787	\$17,290	\$17,809	\$18,343
4.) No Fire District Tax Exists and the City can make an in-kind contribution.					
Total cost to City for in-kind contribution	\$0	\$0	\$0	\$0	\$0
SCENARIO II					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<i>If no VFD in annexation area, then one of two things can happen:</i>					
1.) The City can take over service of the area with an existing station.					
Total cost to City if servicing with existing station	\$2,909	\$2,996	\$3,086	\$3,178	\$3,274
2.) The City can take over service of the area with a new station.					
Total cost to City if servicing with new station	\$ 16,298	\$ 16,787	\$ 17,290	\$ 17,809	\$ 18,343
<i>(Higher of Values in Scenario I and II)</i>					
TOTAL FIRE COST FOR ANNEXATION	\$ -	\$ 2,996	\$ 3,086	\$ 3,178	\$ 18,343
The City's ISO Rating is Class 3 (70.98).					
This annexation's potential affect on this rating:					
Same		If New Station is not Built and Manned			
Better		If New Station is not Built and Manned			
Worse	X	If New Station is not Built and Manned			

**City of Jacksonville
Annexation Analysis
Water Worksheet**

3/23/2011

Stevenson Toyota

Section 1: Descriptive Data	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	Zoning	Average Cost/Sq Mile	Sq Mileage
	0.32	0.63	16.72	1	\$242,511	0.0261

**Section 2: Estimated
Operating Expenses**

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Average cost for annexation area	\$0	\$6,336	\$6,526	\$6,721	\$6,923
Costs of reimbursement	\$0	\$0	\$0	\$0	\$0
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0

Section 3: Revenues

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Fixed charges					
apply appropriate rate by meter size	\$0	\$188	\$188	\$190	\$192
Volume charges					
volume rate x total per 1,000 gallons x 12 months	\$0.00	\$137.04	\$137.04	\$138.41	\$139.79
Facility Charge (one time fee)	\$1,058.00	\$0.00	\$0.00	\$0.00	\$0.00

Annexation Costs	\$0	\$6,336	\$6,526	\$6,721	\$6,923
Annexation Revenues	\$1,058	\$325	\$325	\$328	\$331
Net Gain (or Loss) from Annexation	1,058	(6,011)	(6,201)	(6,393)	(6,592)

City of Jacksonville Annexation Analysis Sewer Worksheet						
						3/23/2011
Stevenson Toyota						
	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	County	Average Cost/Sq Mile	Sq Mileage
Section 1: Descriptive Data	0.32	0.63	16.72	1	\$195,123	0.0261
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$0	\$2,319	\$2,252	\$2,252	\$2,252	
Costs of reimbursement						
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$0	\$390	\$390	\$390	\$390	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$0	\$190	\$190	\$192	\$194	
Industrial Surcharges						
BOD Charges	\$0	\$0	\$0	\$0	\$0	
SS Charges	\$0	\$0	\$0	\$0	\$0	
Facility Charge (one time fee)	\$2,147	\$0	\$0	\$0	\$0	
Annexation Costs	\$0	\$2,319	\$2,252	\$2,252	\$2,252	
Annexation Revenues	\$2,147	\$580	\$580	\$582	\$584	
Net Gain (or Loss) from Annexation	2,147	(1,739)	(1,672)	(1,670)	(1,668)	

**City of Jacksonville
Annexation Analysis
Transportation Cost Worksheet**

3/23/2011

Stevenson Toyota

		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	Acreage at Build- out	2012	2013	2014	2015	2016	Total
Residential Development	0	\$0	\$0	\$0	\$0	\$0	\$0
Commercial Development	16.72	\$0	\$502	\$502	\$502	\$502	\$2,006
Industrial Development	0	\$0	\$0	\$0	\$0	\$0	\$0
TIA Estimated Costs		\$0					\$0
Computer Signal System Costs		\$0					\$0
FIVE YEAR TRANSPORTATION COSTS FOR ANNEXATION		\$0	\$502	\$502	\$502	\$502	\$2,006

**City of Jacksonville
Annexation Analysis
Solid Waste Cost Worksheet**

3/23/2011

Stevenson Toyota

**Section 1: Descriptive
Data**

**Single
Dumpster
Cost/Year**

**Single
Family Trash
Removal
Cost/Year**

**Single
Family Free
Small
Recycling
Bin Per Unit**

**Single
Family Free
Refuse
Container
per Unit**

**Commercial
Unit Trash
Removal
Cost/Year**

\$478

\$196

\$10

\$52

\$196

**Section 2: Estimated
Yearly Solid Waste Costs**

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

Single Family Units

Solid Waste Removal

\$0

\$0

\$0

\$0

\$0

Recycling Containers

\$0

\$0

\$0

\$0

\$0

Refuse Containers

\$0

\$0

\$0

\$0

\$0

Multi-Family Unit Dumpsters

\$0

\$0

\$0

\$0

\$0

Commercial Units

\$0

\$0

\$0

\$0

\$0

TOTAL

\$0

\$0

\$0

\$0

\$0

Commercial Units use dumpsters which is a pass thru cost with no net impact to the City.

3/23/2011

Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	81,612	54.85	0.026	16.72	

Parcel Acreage

16.72

**Fiscal Year
2016**

\$0

**City of Jacksonville
Annexation Analysis
Stormwater Cost Worksheet**

3/23/2011

Stevenson Toyota

Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	81,612	54.85	0.026	16.72	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Stormwater Costs					
Residential - Average cost per sq mile (acreage)	\$0	\$0	\$0	\$0	\$0
Residential - Average cost per sq mile (streets)	\$0	\$0	\$0	\$0	\$0
Commercial - Average cost per sq mile (acreage)	\$0	\$832	\$856	\$881	\$905
Commercial - Average cost per sq mile (plan impervious surface)	\$7,266	\$7,266	\$7,266	\$7,266	\$7,266

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Revenues					
Fixed charges					
Annual Charge per Home	\$0	\$0	\$0	\$0	\$0
Annual Charge per Business	\$7,266	\$7,266	\$7,266	\$7,266	\$7,266

Annexation Costs	\$7,266	\$8,098	\$8,122	\$8,146	\$8,171
Annexation Revenues	\$7,266	\$7,266	\$7,266	\$7,266	\$7,266
Net Gain (or Loss) from Annexation	0	(832)	(856)	(881)	(905)

**City of Jacksonville
Annexation Analysis
Streets, Street Lighting, Mosquito Control Cost Worksheet**

3/23/2011

Stevenson Toyota

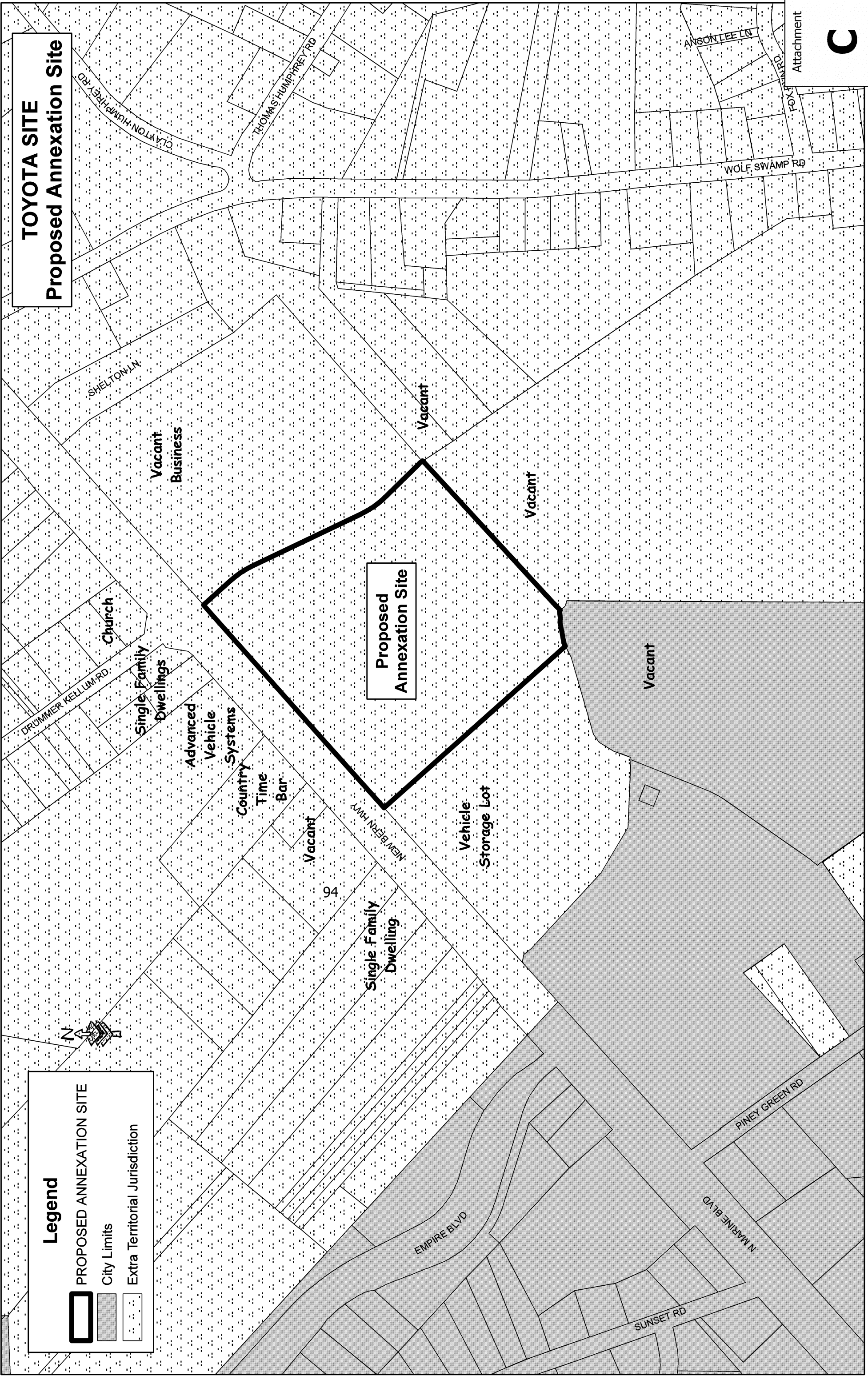
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	81,612	54.85	0.026	16.72	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Street Costs					
Miles of Streets Constructed	0.17	0.17	0.17	0.17	0.17
Average Cost of LF of Street	\$2,738	\$2,738	\$2,738	\$2,738	\$2,738

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Street Lighting Costs					
Number of Street Lights Installed	5	5	5	5	5
Average Cost of Street Lighting	\$1,733	\$853	\$878	\$903	\$927

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 4: Mosquito Control					
Residential Average Cost Based On Acreage	\$0	\$0	\$0	\$0	\$0
Commercial Average Cost Based On Acreage	\$0	\$86	\$89	\$91	\$94

Annexation Costs	\$4,471	\$3,677	\$3,704	\$3,731	\$3,759





Request for City Council Action

Agenda Item:	5
Date:	4/5/2011

Subject: Public Hearing - Voluntary Annexation Petition – Mai Property (Bailey & Associates) – Hickory Road - .44-acre tract

Department: City Manager's Office

Presented by: Ron Massey, Assistant City Manager

Presentation: Yes

Issue Statement

This voluntary annexation petition was received from Bailey & Associate on behalf of Phillip and Claudia Mai.

This is a .44-acre tract that is contiguous to the current City limit boundaries. The site is located along Hickory Road adjacent to the Tractor Supply Store property. The site is proposed to provide additional parking facilities for a 6,000 square foot commercial development adjacent to and fronting on US Hwy 258. The commercial parcels are already located within City limits and are the proposed site of a future IHOP restaurant and tenant spaces.

Financial Impact

Costs and Revenues are provided in the attached detailed Annexation Analysis Total Cost Benefit Summary. The financial analysis shows a slightly positive net cash flow over the five year review period.

Action Needed

Conduct Public Hearing

Consider Annexation Ordinance

Recommendation

Staff recommends that Council move to adopt the Annexation Ordinance as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Ordinance
- B Financial Analysis
- C Location Map



Staff Report

Voluntary Annexation Petition – MAI Property (Bailey & Associates)

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits. This is a voluntary annexation petition received from Bailey & Associate on behalf of Phillip and Claudia Mai.

This is a .44-acre tract that is contiguous to the current City limit boundaries. The site is located along Hickory Road adjacent to the Tractor Supply Store. The site is proposed to provide additional parking facilities for a 6,000 square foot commercial development adjacent to and fronting on US Hwy 258. The commercial parcels are already located within City limits and are the proposed site of a future IHOP restaurant and tenant spaces.

Procedural History

- March 8, 2011 – Council approved a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- March 22, 2011 – Council approved a Resolution scheduling a future Public Hearing.
- April 5, 2011 – Conduct a Public Hearing and consider the Annexation Ordinance.
- April 30, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- Phillip and Claudia Mai - Property owners/petitioner
- Bailey & Associates – Developers
- Adjacent Property Owners
- Citizens of Jacksonville

Staff has not been presented with any negative information related to the annexation and is unaware of any opponents to the petition at this time.

Financial Analysis:

The annexation area does not require significant infrastructure investment on the City's behalf. The financial analysis relies significantly on input provided by the developer. This input includes the future development of parking for an adjacent IHOP restaurant. If this input does not hold true, then the financial analysis could change significantly. Using the assumptions provided by the developer, the financial analysis shows a slightly positive net cash flow over the five year review period.

The financial analysis model is also highly sensitive to changes in assumptions related to the timing and amount of public safety service investments and the absorption rate.

Fire Station #1 in the Downtown area will be able to provide service for the Bailey Mai Property; however, it should be noted, that this area is outside of the Insurance Services Office (ISO) recommended 1.5-mile road miles from the first due engine-company. This has the potential to adversely affect future ISO ratings for the city. As this area is developed, we anticipate an increase in the number of calls for service with response times greater than 5-minutes, requiring an additional fire station in the Triangle area.

Options

Adopt the Annexation Ordinance: **RECOMMENDED.**

- Pros: The site is contiguous to the current corporate limits and is proposed as part of a future commercial development;
- Cons: None

Deny the Annexation Ordinance:

- This action would conflict with past actions associated with annexation of contiguous property proposed for development.

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

ORDINANCE (2011-)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF JACKSONVILLE, NORTH CAROLINA

MAI PROPERTY (BAILEY & ASSOCIATES) – HICKORY ROAD - .44-ACRE TRACT

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of the annexation was held at the Jacksonville City Hall at 7 o'clock, P.M. on the 5th day of April 2011, after due notice of publication on the 26th day of March, 2011, and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made a part of the City of Jacksonville effective April 30, 2011:

Commencing at N.C.G.S. monument 'Auto', said monument having N.C. grid coordinates of North = 369,426.311 and East = 2,461,854.122; thence south 76 degrees 13 minutes 31 seconds east 250.35 feet (250.3255 grid feet) to an existing iron stake on the northern right-of-way line U.S. Highway 258/N.C. Highway 24, said iron stake having N.C. grid coordinates of North = 369,366.707 and East = 2,462,097.248; thence along said right-of-way line, south 69 degrees 46 minutes 47 seconds east 26.53 feet to a ¼ inch existing iron stake; thence continuing along said right-of-way line, south 66 degrees 44 minutes 05 seconds east 73.53 feet to an existing iron stake; thence south 65 degrees 17 minutes 50 seconds east 51.83 feet to an existing iron stake; thence south 65 degrees 17 minutes 50 seconds east 48.19 feet to an existing iron stake; thence south 62 degrees 41 minutes 27 seconds east 156.98 feet to an existing iron stake; thence continuing along the northern right-of-way line of U.S. Highway 258/N.C. Highway 24, south 62 degrees 41 minutes 27 seconds east 169.24 feet to an existing iron stake at the intersection of the northern right-of-way line of U.S. Highway 258/N.C. Highway 24 with the western right-of-way line of Hickory Street; thence along said right-of-way line of Hickory Street, north 31 degrees 15 minutes 30 seconds east 231.14 feet to an existing iron stake; thence continuing along said right-of-way line, north 31 degrees 15 minutes 30 seconds east 84.06 feet to an existing iron stake, said iron stake being **THE TRUE POINT OF BEGINNING**; thence from the above described point of beginning and leaving said right-of-way line and with the northern line of Tract A as shown Map Book 57 page 213, north 88 degrees 49 minutes 56 seconds west 108.05 feet to an existing iron stake; thence north 62 degrees 23 minutes 33 seconds west 30.40 feet to an existing iron stake; thence with an eastern line of Tract A, north 01 degrees 13 minutes 18 seconds east 130.27 feet to a point; thence with a southern line of Lot 5 as shown in Map Book 13 page 6, north 89 degrees 53 minutes 15 seconds east

Attachment

A

130.92 feet to a point on the western right-of-way line of Hickory Street; thence along said right-of-way line, south 00 degrees 29 minutes 38 seconds east 146.79 feet to the point and place of beginning. Containing 0.44 acres and being all of Lots 3 and 4 as shown on a map entitled, "Part One Hickory Hills West" recorded in Map Book 13 page 6 of the Onslow County Registry. The above description was prepared by Johnny J. Williams Land Surveying, P.C. from a partial survey and computed information completed on January 11, 2011. All courses are correct in their angular relationship to N.C. grid north NAD 1983 (2007 adjustment). Johnny J. Williams, P.L.S. L-3170

Section 2. Upon and after the 30th day of April 2011, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Jacksonville and shall be entitled to the same privileges and benefits as other parts of the City of Jacksonville. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

Section 3. The Mayor of the City of Jacksonville shall cause to be recorded in the Office of the Register of Deeds of Onslow County, and in the Office of the Secretary of State, Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted by the City Council of the City of Jacksonville in regular session this 5th day of April 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

**City of Jacksonville
Annexation Analysis
Total Cost-Benefit Summary**

3/23/2011

IHOP Parking-Mai Property

Completion of project will have one parking lot.

Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	Fiscal Year*	5 Year
2012	2013	2014	2015	2016	Total

Section 1: Total Revenues

Property Taxes	\$155	\$155	\$155	\$155	\$155	\$775
Sales Tax	\$57	\$57	\$57	\$57	\$57	\$287
Powell Bill (Gas Tax)	\$0	\$0	\$0	\$0	\$0	\$0
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$0	\$0	\$0	\$0	\$0	\$0
Water Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater Revenues	\$265	\$265	\$265	\$265	\$265	\$1,323
Total Estimated Revenues	\$477	\$477	\$477	\$477	\$477	\$2,386
Discounted Revenues	\$477	\$457	\$437	\$418	\$400	\$2,189

Section 2: Total Expenditures

Police	\$28	\$29	\$29	\$30	\$31	\$147
Fire	\$0	\$79	\$81	\$84	\$86	\$330
Water	\$0	\$0	\$0	\$0	\$0	\$0
Sewer	\$0	\$0	\$0	\$0	\$0	\$0
Transportation	\$0	\$13	\$13	\$13	\$13	\$53
Solid Waste	\$0	\$0	\$0	\$0	\$0	\$0
Parks and Recreation	\$0	\$0	\$0	\$0	\$0	\$0
Stormwater	\$265	\$265	\$265	\$265	\$265	\$1,323
Streets,Streetlights,Mosquito Control	\$0	\$0	\$0	\$0	\$0	\$0
Total Estimated Expenditures	\$292	\$385	\$388	\$392	\$395	\$530
Discounted Expenditures	\$292	\$369	\$356	\$343	\$331	\$1,691

Total Discounted Net Revenues (Expenditures)	\$185	\$88	\$81	\$75	\$69	\$497
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*Fiscal Year runs from July 1 through June 30 of the year listed.

Equivalent Police Officers Required	0.000	0.000	0.000	0.000	0.000	0.000
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The City's ISO Rating is Class 3 (70.98).

This annexation's potential affect on this rating:

Same	- If New Station is not Built and Manned
Better	- If New Station is not Built and Manned
Worse	X If New Station is not Built and Manned

Attachment

B

**City of Jacksonville
Annexation Analysis
General Government Revenue Summary Sheet**

3/23/2011

IHOP Parking-Mai	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
<u>Revenue Source</u>						
Property Taxes	\$155	\$155	\$155	\$155	\$155	\$775
Sales Tax	\$57	\$57	\$57	\$57	\$57	\$287
Powell Bill (Gas Tax)	\$0	\$0	\$0	\$0	\$0	\$0
Utility FranchiseTax	\$0	\$0	\$0	\$0	\$0	\$0
Business Tax	\$0	\$0	\$0	\$0	\$0	\$0
Total Estimated Revenues	\$212	\$212	\$212	\$212	\$212	\$1,062

<div> <div>City of Jacksonville</div> <div>Annexation Analysis</div> </div>						3/23/2011
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
IHOP Parking-Mai Property						
Section 1: Real Property Calculations						
	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$150,000
Section 2: Personal Property Calculations						
Number of Dwellings	0	0	0	0	0	
Average Number of Cars Per Dwelling	1.6	1.6	1.6	1.6	1.6	
Number of Cars	0	0	0	0	0	
Average Value Per Car	\$7,930	\$8,089	\$8,250	\$8,415	\$8,584	
Total Personal Property	\$0	\$0	\$0	\$0	\$0	\$0
Section 3: Total Tax Calculations						
Total Tax Value	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	
Tax Rate per \$100 valuation	0.5380	0.5380	0.5380	0.5380	0.5380	
Total Tax Levy	\$ 161	\$ 161	\$ 161	\$ 161	\$ 161	
Collection Rate	0.9608	0.9608	0.9608	0.9608	0.9608	
Total Estimated Tax Revenue	\$155	\$155	\$155	\$155	\$155	\$775

<div> <div>City of Jacksonville Annexation Analysis</div> <div>3/23/2011</div> </div>						
IHOP Parking-Mai Property	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Total
<u>Section 1: Sales Tax Calculations</u>						
<i>Sales Tax Revenue Per 1,000 Residents</i>	\$52,168	\$52,794	\$53,428	\$54,069	\$54,718	
<i>Parcel Population</i>	0	0	0	0	0	
<i>Sales Tax Revenue Per \$1,000 Property Tax</i>	0	0	0	0	0	
<i>Parcel Levy</i>	161	161	161	161	161	
Total Sales Tax Revenue	\$57	\$57	\$57	\$57	\$57	\$287
<u>Section 2: Gas Tax Calculations (Powell Bill)</u>						
<u>75% Allocation Based on Per Capita Population</u>						
<i>Per Capita Reimbursement Rate</i>	\$20	\$20	\$21	\$21	\$22	
<i>Parcel population</i>	0	0	0	0	0	
<i>Subtotal for Per Capita</i>	\$0	\$0	\$0	\$0	\$0	\$0
<u>25% Allocation Based on Non-State Street Miles</u>						
<i>Reimbursement Rate per Street Mile</i>	\$1,521	\$1,567	\$1,614	\$1,662	\$1,712	
<i>Number of Non-State Street Miles</i>	0	0	0	0	0	
<i>Subtotal for Street Miles</i>	\$0	\$0	\$0	\$0	\$0	\$0
Total Gas Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
<u>Section 3: Utility Tax Calculations</u>						
<i>Utility Tax Per 1000 Residents</i>	\$37,234	\$38,351	\$39,502	\$40,687	\$41,907	
<i>Parcel Population</i>	0	0	0	0	0	
Total Utility Tax Calculations	\$0	\$0	\$0	\$0	\$0	\$0
<u>Section 4: Business Fee Calculations</u>						
	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$57	\$57	\$57	\$57	\$57	\$287

City of Jacksonville Annexation Analysis Police Cost Worksheet						3/23/2011
IHOP Parking-Mai Property						
Section 1: Descriptive Data						
Number of Authorized Sworn Officers	City Population	City Square Mileage	Average Personnel Costs	Average Operating Cost	Average Capital Cost	Total Officer Cost
115	81,612	54.85	\$68,019	\$23,083	\$3,284	\$94,387
Section 2: Ratios						
Average Number of Square Miles Per Sworn Officer	0.48	Jacksonville Actual		0.42	National Standard	
Average Number of People Per Sworn Officer	709.67	Jacksonville Actual		313	National Standard	
Average Number of Calls for Service Per Sworn Officer	924.17	Jacksonville Actual		604.00	National Standard	
Average Number of Commercial Buildings Per Sworn Officer	11.70	Jacksonville Actual		12.70	National Standard	
Average Number Homes Per Sworn Officer	101.23	Jacksonville Actual		171.50	National Standard	
Section 3: Average Total Cost Per Officer						
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
Average Cost Per Officer	\$94,387	\$97,218	\$100,135	\$103,139	\$106,233	\$501,112
Factor for E-911 Employees (4%)	\$1,664	\$1,714	\$1,765	\$1,818	\$1,873	\$8,835
Average Total Cost Per Officer	\$96,051	\$98,932	\$101,900	\$104,957	\$108,106	\$509,947
Section 4: Five-Year Parcel Data						
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Square Mileage	0.001	0.001	0.001	0.001	0.001	
Commercial Buildings	0	0	0	0	0	
Population	0	0	0	0	0	
Complaints	0.00	0.00	0.00	0.00	0.00	
Homes	0	0	0	0	0	
Section 5: Five-Year Cost Projection						
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
Per Square Mile	\$138	\$143	\$147	\$151	\$156	\$735
Per Commercial Building	\$0	\$0	\$0	\$0	\$0	\$0
Per 1,000 Population	\$0	\$0	\$0	\$0	\$0	\$0
Per # Complaints	\$0	\$0	\$0	\$0	\$0	\$0
Per # Homes	\$0	\$0	\$0	\$0	\$0	\$0
Section 5: Total Police Estimate (Higher of Values in Section 5)						
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	5 Year Totals
IHOP Parking-Mai Property	\$28	\$29	\$29	\$30	\$31	\$147
Equivalent Officers Needed	0.000	0.000	0.000	0.000	0.000	0.000

City of Jacksonville Annexation Analysis Fire Cost Worksheet					
					3/23/2011
IHOP Parking-Mai Property		Infill Development No Cost		no	
Section 1: Descriptive Data					
Number of Fire Stations	City Population	City Square Mileage	Total Department Cost	ISO Max. Sq. Mi. to Service	Square Miles of Annexation Proposal
4	81,612	54.85	\$6,106,719	7.065	0.001
SCENARIO I					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
If VFD present in annexation area, then one of four things can happen:					
1.) The City can enter into a contract with the VFD and allow them continue servicing the area with fire protection					
Total Cost to City if enter into contract with VFD	\$0	\$0	\$0	\$0	\$0
2.) The City can take over service of the annexation area with an existing station and pay a portion of the VFD's debt service.					
Portion of cost to operate existing station	\$77	\$79	\$81	\$84	\$86
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with existing station	\$77	\$79	\$81	\$84	\$86
3.) The City can take over service of the annexation area with a new station and pay a portion of the VFD's debt service.					
Portion of cost to build new station	\$429	\$442	\$455	\$469	\$483
Portion of the VFD's debt service owed by City	\$0	\$0	\$0	\$0	\$0
Total cost to City if servicing with new station	\$429	\$442	\$455	\$469	\$483
4.) No Fire District Tax Exists and the City can make an in-kind contribution.					
Total cost to City for in-kind contribution	\$0	\$0	\$0	\$0	\$0
SCENARIO II					
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
If no VFD in annexation area, then one of two things can happen:					
1.) The City can take over service of the area with an existing station.					
Total cost to City if servicing with existing station	\$77	\$79	\$81	\$84	\$86
2.) The City can take over service of the area with a new station.					
Total cost to City if servicing with new station	\$ 429	\$ 442	\$ 455	\$ 469	\$ 483
(Higher of Values in Scenario I and II)					
TOTAL FIRE COST FOR ANNEXATION	\$ -	\$ 79	\$ 81	\$ 84	\$ 86
The City's ISO Rating is Class 3 (70.98). This annexation's potential affect on this rating:					
Same		If New Station is not Built and Manned			
Better		If New Station is not Built and Manned			
Worse	X	If New Station is not Built and Manned			

**City of Jacksonville
Annexation Analysis
Water Worksheet**

3/23/2011

IHOP Parking-Mai Property

Section 1: Descriptive Data	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	Zoning	Average Cost/Sq Mile	Sq Mileage
	0.00	0.00	0.44	1	\$242,511	0.0007

**Section 2: Estimated
Operating Expenses**

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Average cost for annexation area	\$0	\$0	\$0	\$0	\$0
Costs of reimbursement	\$0	\$0	\$0	\$0	\$0
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0

Section 3: Revenues

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Fixed charges					
apply appropriate rate by meter size	\$0	\$0	\$0	\$0	\$0
Volume charges					
volume rate x total per 1,000 gallons x 12 months	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Facility Charge (one time fee)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Annexation Costs	\$0	\$0	\$0	\$0	\$0
Annexation Revenues	\$0	\$0	\$0	\$0	\$0
Net Gain (or Loss) from Annexation	0	0	0	0	0

City of Jacksonville Annexation Analysis Sewer Worksheet						
						3/23/2011
IHOP Parking-Mai Property						
	Cumulative Miles of Line Installed	Size of Meter	Parcel Acreage	County	Average Cost/Sq Mile	Sq Mileage
Section 1: Descriptive Data	0.00	0.00	0.44	1	\$195,123	0.0007
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 2: Estimated Operating Expenses						
Average cost for annexation area	\$0	\$0	\$0	\$0	\$0	
Costs of reimbursement						
Debt Retirement for infrastructure improvements made by the City to support the annexation	\$0	\$0	\$0	\$0	\$0	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	
Section 3: Revenues						
Fixed charges						
apply appropriate rate by meter size	\$0	\$0	\$0	\$0	\$0	
Volume charges						
volume rate x total per 1,000 gallons x 12 months	\$0	\$0	\$0	\$0	\$0	
Industrial Surcharges						
BOD Charges	\$0	\$0	\$0	\$0	\$0	
SS Charges	\$0	\$0	\$0	\$0	\$0	
Facility Charge (one time fee)	\$0	\$0	\$0	\$0	\$0	
Annexation Costs	\$0	\$0	\$0	\$0	\$0	
Annexation Revenues	\$0	\$0	\$0	\$0	\$0	
Net Gain (or Loss) from Annexation	0	0	0	0	0	

**City of Jacksonville
Annexation Analysis
Transportation Cost Worksheet**

3/23/2011

IHOP Parking-Mai Property							
		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	
	Acreage at Build- out	2012	2013	2014	2015	2016	Total
Residential Development	0	\$0	\$0	\$0	\$0	\$0	\$0
Commercial Development	0.44	\$0	\$13	\$13	\$13	\$13	\$53
Industrial Development	0	\$0	\$0	\$0	\$0	\$0	\$0
TIA Estimated Costs		\$0					\$0
Computer Signal System Costs		\$0					\$0
FIVE YEAR TRANSPORTATION COSTS FOR ANNEXATION		\$0	\$13	\$13	\$13	\$13	\$53

**City of Jacksonville
Annexation Analysis
Solid Waste Cost Worksheet**

3/23/2011

**IHOP Parking-Mai
Property**

**Section 1: Descriptive
Data**

**Single
Dumpster
Cost/Year**

**Single
Family Trash
Removal
Cost/Year**

**Single
Family Free
Small
Recycling
Bin Per Unit**

**Single
Family Free
Refuse
Container
per Unit**

**Commercial
Unit Trash
Removal
Cost/Year**

\$478

\$196

\$10

\$52

\$196

**Fiscal Year
2012**

**Fiscal Year
2013**

**Fiscal Year
2014**

**Fiscal Year
2015**

**Fiscal Year
2016**

**Section 2: Estimated
Yearly Solid Waste Costs**

Single Family Units

Solid Waste Removal

\$0

\$0

\$0

\$0

\$0

Recycling Containers

\$0

\$0

\$0

\$0

\$0

Refuse Containers

\$0

\$0

\$0

\$0

\$0

Multi-Family Unit Dumpsters

\$0

\$0

\$0

\$0

\$0

Commercial Units

\$0

\$0

\$0

\$0

\$0

TOTAL

\$0

\$0

\$0

\$0

\$0

Commercial Units use dumpsters which is a pass thru cost with no net impact to the City.

<div style="border: 1px solid black; padding: 5px; text-align: center;"> City of Jacksonville Annexation Analysis Parks and Recreation Cost Worksheet </div>					
					3/23/2011
IHOP Parking-Mai Property					
			Square Mileage of Annexation Proposal		
Section 1: Descriptive Data	City Population	City Square Mileage		Parcel Acreage	
	81,612	54.85	0.001	0.44	
	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Parks and Recreational Costs					
Average cost per household per year	\$0	\$0	\$0	\$0	\$0

**City of Jacksonville
Annexation Analysis
Stormwater Cost Worksheet**

3/23/2011

IHOP Parking-Mai Property

Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	81,612	54.85	0.001	0.44	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Stormwater Costs					
Residential - Average cost per sq mile (acreage)	\$0	\$0	\$0	\$0	\$0
Residential - Average cost per sq mile (streets)	\$0	\$0	\$0	\$0	\$0
Commercial - Average cost per sq mile (acreage)	\$0	\$0	\$0	\$0	\$0
Commercial - Average cost per sq mile (plan impervious surface)	\$265	\$265	\$265	\$265	\$265

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Revenues					
Fixed charges					
Annual Charge per Home	\$0	\$0	\$0	\$0	\$0
Annual Charge per Business	\$265	\$265	\$265	\$265	\$265

Annexation Costs	\$265	\$265	\$265	\$265	\$265
Annexation Revenues	\$265	\$265	\$265	\$265	\$265
Net Gain (or Loss) from Annexation	0	0	0	0	0

**City of Jacksonville
Annexation Analysis
Streets, Street Lighting, Mosquito Control Cost Worksheet**

3/23/2011

IHOP Parking-Mai Property

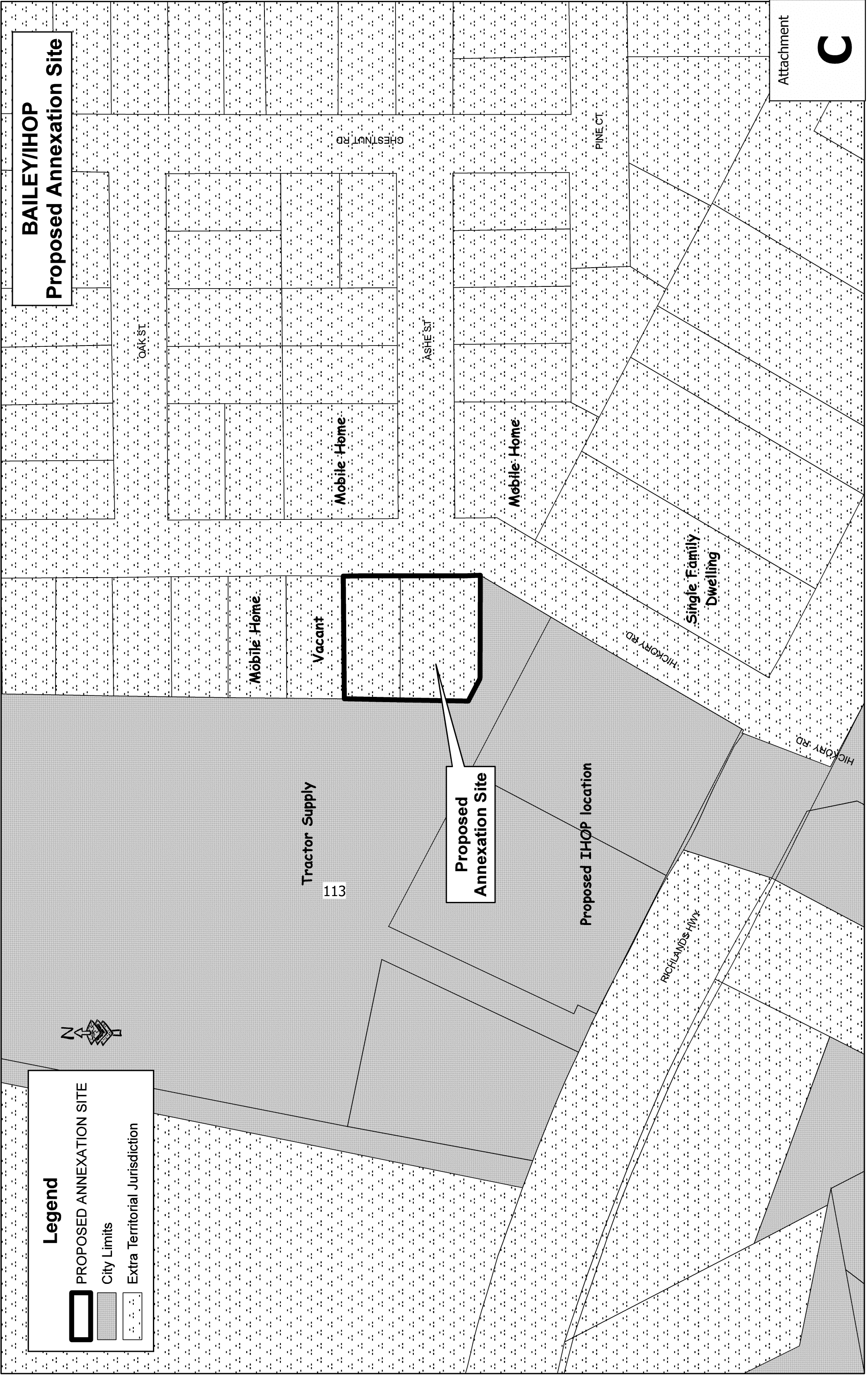
Section 1: Descriptive Data	City Population	City Square Mileage	Square Mileage of Annexation Proposal	Parcel Acreage	
	81,612	54.85	0.001	0.44	

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 2: Street Costs					
Miles of Streets Constructed	0	0	0	0	0
Average Cost of LF of Street	\$0	\$0	\$0	\$0	\$0

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 3: Street Lighting Costs					
Number of Street Lights Installed	0	0	0	0	0
Average Cost of Street Lighting	\$0	\$0	\$0	\$0	\$0

	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Section 4: Mosquito Control					
Residential Average Cost Based On Acreage	\$0	\$0	\$0	\$0	\$0
Commercial Average Cost Based On Acreage	\$0	\$0	\$0	\$0	\$0

Annexation Costs	\$0	\$0	\$0	\$0	\$0





Request for City Council Action

Agenda Item:	6
Date:	4/5/2011

Subject: Rezoning from RM-5 to CU-B-1 – 201 & 203 Hickory Road

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Bailey & Associates and Philip Mai have submitted a request to rezone two parcels totaling 0.44 acres from Residential Multi-family 5 (RM-5) to Conditional Use Business 1 (CU-B-1). The subject sites are located at 201 & 203 Hickory Road, north of Richlands Highway.

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the Proposed Rezoning

Recommendation

Staff recommends Council approve the rezoning request based on the Findings of Facts A, C, and D being found in the affirmative. Finding of Fact B is in the negative; however, the rezoning does advance the public interest because it is applicable to several of the goals and policies established in the Growth Management Plan including Growth Management Element Goal 1, 2 and 6.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- March 14, 2011
- D Section 40, RM-5 of the Zoning Ordinance
- E Section 73, B-1 of the Zoning Ordinance
- F Existing Zoning Map
- G Site Survey
- H Proposed Zoning Map



Staff Report

Rezoning from RM-5 to CU-B-1 – 201 & 203 Hickory Road

Introduction

Bailey & Associates and Philip Mai have submitted a request to rezone two parcels totaling 0.44 acres from Residential Multi-family 5 (RM-5) to Conditional Use Business 1(CU-B-1). As requested, approval would be conditioned upon the property being used as a parking lot only. This site is located at 201 & 203 Hickory Road, just north of Richlands Highway.

Procedural History

- On April 5, 2005, City Council approved a rezoning request for 7.354 acre tract located on Richlands Highway and adjacent to the subject parcels, to CU-B-1.
- On February 8, 2011, the applicant submitted a rezoning request.
- On February 15, 2011, the applicant submitted a formal request to amend the *Growth Management Element Plan*.
- On March 14, 2011 the Planning Board recommended approval of the rezoning request.
- On April 5, 2011 City Council will conduct a public hearing and consider the rezoning request.

Stakeholders

- Bailey & Associates & Philip Mai - property owner/ applicant submitting the zoning request.
- Surrounding property owners - In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning have been notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Zoning Assessment

The parcels proposed for rezoning are located at 201 & 203 Hickory Road, north of Richlands Highway and within the City's Extra Territorial Jurisdiction (ETJ). The subject parcels are bordered to the North, East and South by RM-5, and to the East and South by CU-B1.

The Residential Multi-family 5 zoning district is intended for single and multi-family residential development in the City. The purpose of this zone is to provide for medium density residential uses which also make provision for higher density uses through the

special use process. The standards established in the RM-5 zone are intended to promote and enhance a neighborhood residential identity that is characterized by a mix of residential types and uses. In keeping with the intent of the zone, single and multi-family, apartments, mobile homes, and mobile home parks are allowed either as permitted uses or special exception uses.

The Business 1 zoning district is intended to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking. However, in conjunction with this conditional use rezoning request, the property would be limited to the use of a parking lot only.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning includes two parcels totaling 0.44 acres. The proposed rezoning area is adjacent to parcels of approximately a quarter of an acre each. Other adjacent parcels in the area, which have CU-B1 zoning designations have parcels ranging in size from approximately one acre to approximately six and a half acres.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The Growth Management Element identifies the subject parcels as Moderate Density Residential (MDR) in its Future Land Use Map.

MDR represents development serving as a transition between commercial and low-density residential land uses. Mixed-use residential and commercial development may occur adjacent to NC, RC, and IND areas.

The GME Future Land Use designations of nearby properties are MDR to the North and East, and RC to the South and West.

Staff has reviewed the adopted Growth Management Element Plan (GME) and has determined that the rezoning is applicable to several of the goals and policies

established in the Plan. They are summarized as follows:

- Maintain a sustainable mix of land uses in and around the City through effective, coordinated growth management (GME Goal 1)
- Promote land use compatibility (GME Goal 2)
- Protect critical neighborhood commercial and regional commercial corridors and gateways to encourage land use compatibility and improve corridor function and appearance (GME Goal 6)

However, staff believes that the rezoning request is inconsistent with the adopted GME Future Land Use Map and the Map should be updated to reflect this potential change.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

The subject parcels are bordered to North, East and South by a residential neighborhood, zoned RM-5 and to the West and South by CU-B1. While a business zoning district differs from some of the immediately adjacent parcels to the North and East, it is also similar to other adjacent parcels to the West. Further, certain mitigation efforts of the proposed development lead to a level of comfort among staff for the rezoning proposal:

- Limiting allowable uses in the B-1 zoning district to parking uses only.

Given the above considerations, Staff believes the rezoning request to be reasonable.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 40 (RM-5), Section 73 (B-1) of the Zoning Ordinance can be found in Attachments C and D.

The B-1 zoning district is more intense than the RM-5 district; however, the applicant has agreed to limit the use of the subject parcels to parking only.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels have been notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Options

Approve the Rezoning as requested by the Applicant **(RECOMMENDED)**.

- Pros: The rezoning request will create a designation that will allow commercial land uses that are in character with some of the surrounding land uses. The proposed change, as designated by the applicant, will be mitigated by limiting uses to parking only.
- Cons: The rezoning request allows for a moderately significant change in land use.

Deny the Rezoning Request.

- Pros: Denial of the rezoning request would ensure that zoning in the area would remain consistent and compatible with existing land uses.
- Cons: Denial of the rezoning request will not allow the property owner to develop the property in a desired manner.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Board would like to receive.

- Pros: Would allow the property owner, staff and the residents to try and work out any concerns raised, if any.
- Cons: None.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Legal Descriptions of Proposed Rezoning Boundaries

Bailey and Associates, Inc.

Individual tract on U.S. Highway 258/N.C. Highway 24

Jacksonville Township, Onslow County, N.C.

Mai lots 3 and 4

Commencing at N.C.G.S. monument 'Auto', said monument having N.C. grid coordinates of North = 369,426.311 and East = 2,461,854.122; thence south 76 degrees 13 minutes 31 seconds east 250.35 feet (250.3255 grid feet) to an existing iron stake on the northern right-of-way line U.S. Highway 258/N.C. Highway 24, said iron stake having N.C. grid coordinates of North = 369,366.707 and East = 2,462,097.248; thence along said right-of-way line, south 69 degrees 46 minutes 47 seconds east 26.53 feet to a ¼ inch existing iron stake; thence continuing along said right-of-way line, south 66 degrees 44 minutes 05 seconds east 73.53 feet to an existing iron stake; thence south 65 degrees 17 minutes 50 seconds east 51.83 feet to an existing iron stake; thence south 65 degrees 17 minutes 50 seconds east 48.19 feet to an existing iron stake; thence south 62 degrees 41 minutes 27 seconds east 156.98 feet to an existing iron stake; thence continuing along the northern right-of-way line of U.S. Highway 258/N.C. Highway 24, south 62 degrees 41 minutes 27 seconds east 169.24 feet to an existing iron stake at the intersection of the northern right-of-way line of U.S. Highway 258/N.C. Highway 24 with the western right-of-way line of Hickory Street; thence along said right-of-way line of Hickory Street, north 31 degrees 15 minutes 30 seconds east 231.14 feet to an existing iron stake; thence continuing along said right-of-way line, north 31 degrees 15 minutes 30 seconds east 84.06 feet to an existing iron stake, said iron stake being **THE TRUE POINT OF BEGINNING**; thence from the above described point of beginning and leaving said right-of-way line and with the northern line of Tract A as shown Map Book 57 page 213, north 88 degrees 49 minutes 56 seconds west 108.05 feet to an existing iron stake; thence north 62 degrees 23 minutes 33 seconds west 30.40 feet to an existing iron stake; thence with an eastern line of Tract A, north 01 degrees 13 minutes 18 seconds east 130.27 feet to a point; thence with a southern line of Lot 5 as shown in Map Book 13 page 6, north 89 degrees 53 minutes 15 seconds east 130.92 feet to a point on the western right-of-way line of Hickory Street; thence along said right-of-way line, south 00 degrees 29 minutes 38 seconds east 146.79 feet to the point and place of beginning.

Containing 0.44 acres and being all of Lots 3 and 4 as shown on a map entitled, "Part One Hickory Hills West" recorded in Map Book 13 page 6 of the Onslow County Registry.

The above description was prepared by Johnny J. Williams Land Surveying, P.C. from a partial survey and computed information completed on January 11, 2011. All courses are correct in their angular relationship to N.C. grid north NAD 1983 (2007 adjustment).

Johnny J. Williams, P.L.S. L-3170

WORKSHEET FOR REZONING REQUESTS

Applicant: Bailey & Associates & Philip Mai
Property Location: 201 & 203 Hickory Road
Tax Map and Parcel ID: 332k-24 & 332k-25
Existing zoning designation: Residential Multi-family 5 (RM-5)
Proposed zoning designation: Conditional Use Business 1 (CU B-1)
Proposed Conditions: Limiting allowable uses to parking uses only

REASONABLENESS FINDINGS OF FACT:

A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

Attachment

A

ORDINANCE (2010-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Conditional Use Business 1 as shown on the below map (Tax map and parcel id #332k-24 and 332k-25) and as described in the attached legal description. Conditions include:

- 1) Limiting allowable uses in to parking uses only



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 5^h day of April 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen Miracle, City Clerk

Attachment

B



Draft Planning Board Minutes – March 14, 2011

Agenda Item:	6
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Rezoning from RM-5 to CU-B-1 – 201 & 203 Hickory Road

Bailey & Associates and Philip Mai have submitted a request to rezone two parcels totaling 0.44 acres from Residential Multi-Family 5 (RM-5) to Conditional Use Business 1 (CU-B-1). As requested, approval would be conditioned upon the property being used as a parking lot only. This site is located at 201 & 203 Hickory Road, just north of Richlands Highway.

The subject parcels are bordered to the North, East and South by RM-5, and to the East and South by CU-B-1. In accordance with General Statutes, surrounding property owners within 100 feet of the area proposed for rezoning will be notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Staff does recommend approval of the rezoning request as submitted by the Applicant.

Ms. Joos asked if this is considered spot zoning. Ms. Sertell stated that it is not because it is adjacent to other property that is also zoned CU-B-1.

Homer Spring moved to approve the conditional use B-1 (for parking only) rezoning request based on Findings of Facts A through D being found in the affirmative. Theresa VanderVere seconded the motion.

The motion to approve the conditional use B-1 (for parking only) rezoning request based on Findings of Facts A through D being found in the affirmative was approved by the Board Members present. The motion was voted for by Alfred Keyes, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos.

Attachment

C

Section 40. Residential Multi-Family 5 (RM-5) Zone

(Amended 2/3/98)

The Residential Multi-Family 5 (RM-5) zoning classification is intended for single and multi-family residential development in the City. The purpose of this zone is to provide for medium density residential uses which also make provision for higher density uses through the special use process. The standards established in the RM-5 zone are intended to promote and enhance a neighborhood residential identity that is characterized by a mix of residential types and uses. In keeping with the intent of the zone, single and multi-family, apartments, mobile homes, and mobile home parks are allowed either as permitted uses or special exception uses.

A. Minimum Lot Size

All lots in the RM-5 Zone shall be a minimum of 5,000 square feet with the following exception:

If a lot has an area of less than the above minimum requirement and was of record on April 8, 1952, a single-family dwelling can be built upon it; provided, that the requirements of Section 96. Nonconformities are met.

B. Residential Density

1. All lots in the RM-5 Zone shall conform to the residential density requirements as indicated in the following table: *(Amended 8/5/98)*

Number of Dwelling Units (Excluding Mobile Homes)	Minimum Lot Area (square feet)
1	5,000
2	9,000
3	12,000
4	15,000

2. All Lots that accommodate more than four dwelling units in the RM-5 Zone shall meet the requirements for a Special Use Permit and subsection G(1) under this section. All lots that accommodate more than one mobile home shall meet the requirements for a Special Use Permit and subsection G(2) under this section. *(Amended 8/5/98)*
3. All lots in the RM-5 zone shall not exceed a lot coverage requirement of 50 percent.

Attachment

D

Section 40. Residential Multi-Family 5 (RM-5) Zone

C. Minimum Lot Width

All lots in the RM-5 zone shall have a minimum lot width of 50 feet at the minimum building line.

D. Building Setback Requirements

1. Subject to the provisions of Section 19 Residential Zones - General Provisions and this section, no portion of any primary building in the RM-5 zone may be located on any lot closer to any lot line than is authorized in the table set forth in this section.

Interior Lots:

Zone	Front (Right of Way)	Rear Setback	Side Setback
RM-5	25 feet	25 feet	6 feet

Corner Lots:

Zone	Designated Front (Right of Way) Setback	Designated Side (Right of Way) Setback	Side Setback	Rear Setback
RM-5	25 feet	15 feet	6 feet	15 feet

Double Frontage Lots:

Zone	Designated Front (Right of Way) Setback	Designated Rear (Right of Way) Setback	Side Setback	Side Setback
RM-5	25 feet	25 feet	6 feet	6 feet

E. Duplex Units for Sale

After having first met all requirements set out in A thru D above, a proposed duplex lot may be divided along the property party wall and platted as two separate lots.

The intent of this section is to allow for the platting and sale of each side of a duplex that meets all other requirements. *(Amended 2/17/09)*

Section 40. Residential Multi-Family 5 (RM-5) Zone

F. Accessory Building Setback Requirements

All accessory buildings in the RM-5 Zone shall comply with the building setback requirements set forth in subsection D of this section with the exception of the side and rear setbacks which shall be a minimum of 5 feet.

G. Building Height Limitations

1. Building height in the RM-5 zone shall be limited to 35 feet.
2. Features exempt from the height limitations can be found in Section 16.
(Amended 10/2/01)

H. Permitted Uses:

Community Docking Facility (Minor) *(Amended 6/5/07)*
Family Care Homes *(Amended 7/17/07)*
Family Childcare Homes *(Amended 3/16/04)*
Home occupations
Mobile homes (with a maximum of one (1) mobile home per lot)
Parks, playgrounds private
Parks, playgrounds, public
Residence, Duplex
Residence, Multi-family (with a maximum of 4 dwelling units per lot)
Residence, Single-family detached, More than one dwelling unit per lot (with a maximum of 4 dwelling units per lot)
Residence, Single-family detached, one dwelling unit per lot
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Utility, Minor *(Amended 4/20/10)*

I. Special Uses

Apartments
Boarding houses
Churches
Clubs, lodges, other civic organizations, operating on a non-profit basis
Community Docking Facility (Major) *(Amended 6/5/07)*
Day care centers, nurseries, and pre-schools
Institutions, charitable
Golf courses
Governmental uses and operations such as fire stations, maintenance or operation facilities and similar governmental facilities *(Amended 4/20/10)*
Libraries, public
Mobile home parks
Nursing homes, rest homes

Section 40. Residential Multi-Family 5 (RM-5) Zone

Public utilities substations storage, service yards

Recreation centers, public

Schools, public and private

Telecommunications Tower, Freestanding

(Amended 10/6/09)

Temporary convalescent housing

Temporary real estate/construction offices

Temporary Refreshment stands

Section 73. Business 1 (B-1) Zone

The Business 1 Zone is established to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking.

A. **Height regulations.** In the Business I Zone every building erected or structurally altered to exceed 50 feet in height, shall, above such height, be set back from the front lot line on the ratio of 1 foot for each 2 foot rise over 50 feet in height.

B. **Area regulations.**

- I. Buildings erected in Business Zone I for dwelling purposes exclusively shall comply with the side yard requirements of the RM-5 Residential Multi-Family Zone. Multiple dwellings or apartments shall comply with requirements of the Office and Institutional Zone. (Multiple family dwellings in accordance with the setback requirements of the RM-5 Residential Multi-Family Zone. There shall be no limit to the amount of units or number of buildings that may be placed on 1 lot except that there must be at least 1½ automobile parking spaces, not to be located within the setback requirements, provided for each living unit.)

(Amended 2/3/98)

All lots shall comply with the applicable Areas of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the C.A.M.A. of 1974. *(Amended 10/2/79)*

2. Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes, shall, if more than 2 rooms in depth, be provided with 2 side yards, 1 on each side of the building, neither of which shall be less than 6 feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
3. Where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than 6 feet in width.

C. **Right-of-way Setback Requirements**

(Amended 11/6/96)

Section 73. Business 1 (B-1) Zone

1. **Right-of-way Setback:** Buildings shall be set back at least 50 feet from the right-of-way of all major or minor thoroughfares, as depicted on the amended City of Jacksonville Thoroughfare Plan. When fronting on any other private or public roads, buildings shall be setback at least 35 feet from the right-of-way. An existing building that intrudes into the required setback may expand, but no additional construction shall be placed in any required setback unless the site qualifies under Limited Setback Exceptions below, and all other provisions of this ordinance shall be observed.
2. **Limited Setback Exceptions:** In situations where a non-residential building site is located within 250 feet of a pre-existing primary use structure that is fronting on the same right-of-way boundary, where such pre-existing structure has legally been established within the setback area stipulated in paragraph (1) above, new construction on said building site may locate closer to the right-of-way boundary than the required setback distances identified in paragraph (1), provided that: 1) the new construction be no closer to the right-of-way boundary than the identified adjacent structure located within 250 feet of the subject building site, and that 2) in no case shall any new construction on any lot be located closer than 25 feet from the right-of-way boundary except for 3) the Bell Fork Road corridor between US Highway 17 and NC 24 which in no case shall any new construction on any lot be located closer than 5 feet from the right-of-way or future right-of-way boundary.
(Amended 9/3/02)
3. **Corner lots:** Buildings constructed on corner lots shall setback no less than 35 feet from its non-frontage lot line abutting any public or private road that is not a major or minor thoroughfare.
4. **Double frontage lots:** No buildings, including accessory structures, constructed on a double frontage lot, shall be permitted within 35 feet of its rear lot line.
5. **Signage and parking:** Parking spaces and the installation of permitted signs shall be allowed in the required setback of all lots, however, no portion of any parking space or sign shall be allowed within 5 feet of the right-of-way. This 5foot space shall be maintained as a planting strip for shrubbery and other similar landscaping vegetation, with the exception of an approved driveway(s) servicing the property.

Section 73. Business 1 (B-1) Zone

D. Driveway Limitations

1. Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
2. Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
3. Four or more driveways entering the same street from a single lot shall be prohibited.
4. In no case may the total width of all driveways exceed 50% of the total property frontage.
5. No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb cut/access point) utilized by two or more lots.
6. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a public street or City approved private road is available. *(Amended 9/8/87)*

E. Permitted Uses:

Accessory uses
Adult Establishments*
Alcoholic beverage, package and retail sales
Animal hospitals
Apartments
Assembly halls and coliseums
Art galleries
Automobile sales lots, new and used
Bakery, retail
Banks
Beauty schools
Boarding houses
Builders supply and equipment sales
Bulletin boards, public, non-commercial

Section 73. Business 1 (B-1) Zone

Bus terminals
Churches
Clinics
Clubs, lodges and other civic organizations, operating on a non-profit basis
Colleges or universities
Day care centers and nurseries
Department and variety stores
Drive-in or outdoor picture show
Dry cleaning and laundry facilities
Dwellings, multiple
Dwellings, single
Family Care Homes *(Amended 7/17/07)*
Family Childcare Homes *(Amended 3/16/04)*
Florist
Funeral homes and mortuaries
Garages, automotive repair
Garages, private
Governmental uses and operations such as fire stations, maintenance and operations facilities, and similar governmental facilities
(Amended 4/20/10)
Greenhouses or horticultural gardens, commercial
Greenhouses or horticultural gardens, non-commercial
Group Homes *(Amended 7/17/07)*
Heavy equipment sales and service
Highrise apartments
Home occupation
Hospitals
Hotels and motels
Institutions, charitable
Library, public
Lumberyard, retail sales
Machine shops
Meat processing and packing, other than slaughter
Mobile home sales and service
Museums, public
Newspaper offices
News stands
Nurseries, non-commercial
Nursing homes
Offices - business, professional, and public
Parking garages, private

Section 73. Business 1 (B-1) Zone

Parking garages, public
Parking lot, private
Parking lot, public
Parking or storage of commercial vehicles
Parking or storage of construction vehicles and equipment
Parks and playgrounds, private
Parks and playgrounds, public
Pet shops
Pets, not objectionable because of odor, noise or health hazard
Pharmacy
Photographic studios and camera supply
Poultry, non-commercial
Printing and reproducing
Public utilities substations, storage and service yards
Recreation centers
Recycling collection points
Rest homes
Restaurants
Retail establishments such as hardware, appliance, notions, jewelry, music, art, antique, gift, sporting goods, hobby, etc.
Rubber plant, tire recapping
Schools, private, with same curriculum as public schools
Schools, public
Service shops, such as beauty, barber, shoe repair, radio repair, etc.
Service stations
Sign or outdoor advertising structures⁵
Storage yard for building materials
Studios for artists, designers, photographers, and other similar activities
Tailor, dressmaking and millinery shops
Taxi cab office or stand
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Telecommunications Tower, Freestanding *(Amended 10/6/09)*
Theaters, indoor
Utility, Minor *(Amended 4/20/10)*
Vegetable gardens, non-commercial

F. Special Uses¹

Section 73. Business 1 (B-1) Zone

Any use or combination of uses which involves a building or combination of buildings that equals or exceeds 25,000 square feet on any lot or combination of lots under single ownership, use or management.

(Amended 10/6/09)

Flex space

Homeless shelter/missions

Nightclubs/dance halls/discotheques

Taverns/bars

Temporary refreshment stands

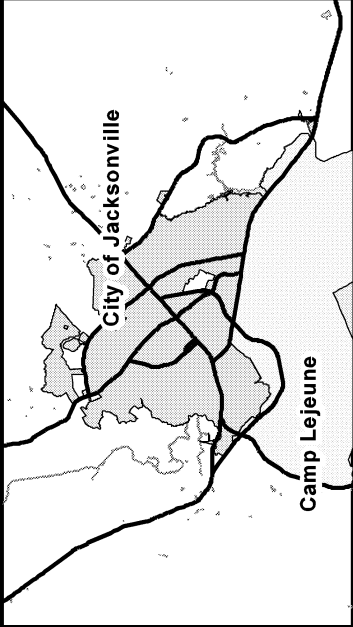
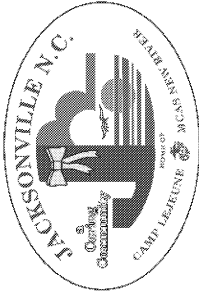
Warehouses, personal storage

* All adult establishments shall meet the requirements of Section 107. Regulation of Adult Establishments.

¹Special Uses (see details in zone text)

⁵See size requirements

201 & 203 Hickory Road - Existing Zoning



- Legend**
- 201_Hickory Rd
 - 203_Hickory Rd

Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

THIS MAP IS FOR REZONING PURPOSES ONLY. THIS MAP SHOULD NOT BE USED FOR RECORDATION, CONVEYANCES, OR SALES.

NOTES:

- 1) THE PROPERTY SHOWN HEREIN IS NOT LOCATED WITHIN SPECIAL 100-YEAR FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 3720-05000 DATED NOVEMBER 3, 2005.
- 2) 2007 ADJUSTMENT USING THE NCSS RTK NETWORK SYSTEM.
- 3) ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- 4) COMBINED GRID FACTOR = 0.9999142
- 5) ALL ELEVATIONS SHOWN HEREON ARE BASED ON MEAN SEA LEVEL (NAVD 1983).
- 6) LOTS 3, 4 & 5 ARE NOT IN THE CITY LIMITS OF JACKSONVILLE.

GRID TIES AND COORDINATES:

N.C.G.S. MONUMENT "AUTO"
NORTH = 389,137.85
EAST = 2,461,854.22
EIS NO. 505 - NORTH = 389,137.85
EAST = 2,462,568.972
N.C.G.S. MONUMENT "AUTO" TO EIS NO. 505 =
S 67°59'59" E 772.07'
(772.0018 GRID FEET)

REFERENCES:

- PORTION OF DEED BOOK 3174, PAGE 373
TRACT C-1
MAP BOOK 57, PAGE 95
TRACT C-2
MAP BOOK 57, PAGE 213
DEED BOOK 1688, PAGE 504
LOTS 3, 4 & 5, PAGE 6
MAP BOOK 13, PAGE 6

LEGEND:

- EP = EXISTING IRON PIPE
EIS = EXISTING IRON STAKE
EPK = EXISTING PAVEMENT
ECM = EXISTING CONCRETE MONUMENT
EMN = EXISTING MAG NAIL
EIS = EXISTING IRON STAKE SET
MNS = MAG NAIL SET
SSS = SURVEY SPIKE SET
RRS = RAILROAD SPIKE SET
CMS = CONCRETE MONUMENT SET
AGS = TOP ABOVE GROUND SURFACE
R/W = RIGHT-OF-WAY
CL = CENTERLINE
PL = PLANT LINE
NCSS = NORTH CAROLINA GEODETIC SURVEY
CB = CABLE BOX
SL = SECURITY LIGHT
CIB = CONCRETE INLET
EB = ELECTRIC BOX
FH = FIRE HYDRANT
MH = MANHOLE
FO = FIBER OPTIC PADDOLE
A = SIGHTING BOX
WV = WATER VALVE
WM = WELL
SD = STORM DRAIN LINE
SS = SANITARY SEWER LINE
E = OVERHEAD UTILITY LINE
W = WATER LINE

SITE

VICINITY SKETCH
(NOT TO SCALE)

N.C. GRID NORTH NAD 1983

CURRENT ZONING - RM5
PROPOSED ZONING CU-B-1
0.44 ACRES

ASHE STREET

Attachment

G

REZONING MAP FOR:

BAILEY & ASSOCIATES, INC.

INDIVIDUAL TRACT ON U.S. HIGHWAY 258/ N.C. HIGHWAY 24
& HICKORY ROAD
CITY OF JACKSONVILLE

JACKSONVILLE TOWNSHIP, ONSLOW COUNTY, N.C.

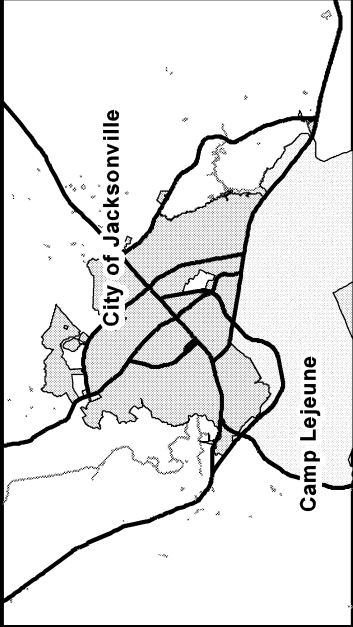
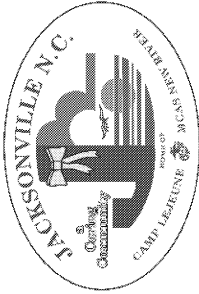
DATE: FEBRUARY 7, 2011

SCALE: 1" = 40'

JOHN J. WILLIAMS LAND SURVEYING, P.C.
P.O. BOX 778, BEULAVILLE, N.C. 28518
PHONE: 910-298-8272 FAX: 910-298-2310
EMAIL: J.WILLIAMS@JWSURVEY.COM

C-PROJECT BAILEY - HOP
FILE NAME: REZONING02107
TDS FILE BAILEY - HOP

201 & 203 Hickory Road - Proposed Zoning



Legend

201_Hickory Rd

203_Hickory Rd

Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment

H



Request for City Council Action

Agenda Item:	7
Date:	4/5/2011

Subject: Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – International House of Pancakes – 2720 Richlands Highway

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: Yes

Issue Statement

Bailey and Associates has submitted a conditional use permit and site plan application for a 6,000 square foot multi-tenant building. If approved the development would be constructed at 2720 Richlands Highway where any of the uses listed in Exhibit B would be authorized. The property is zoned Conditional Use-Business-1 (B-1) and within this zoning district any use requires a conditional use permit.

A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction. Council will hold a public hearing on the question of annexing this portion at the April 5th Council meeting. As proposed, the project will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Conditional Use Permit and Site Plan

Recommendation

The Planning Board and City staff recommend Council approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and conditions identified within the Staff Report.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Conditional/Special Use Permit Worksheet
- B List of Proposed Uses
- C Draft Planning Board Minutes, March 14, 2011
- D TRC Comment Sheet
- E Zoning and Land Use Map
- F Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – International House of Pancakes – 2720 Richlands Highway

Introduction

Bailey and Associates has submitted a conditional use permit and site plan application for a 6,000 square foot multi-tenant building. If approved the development would be constructed at 2720 Richlands Highway where any of the uses listed in Exhibit B would be authorized. The property is zoned Conditional Use-Business-1 (B-1) and within this zoning district any use requires a conditional use permit.

A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction. Council will hold a public hearing on the question of annexing this portion at the April 5th Council meeting. As proposed, the project will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On April 5, 2005, City Council approved a rezoning request for 7.354 acre tract located on Richlands Highway and adjacent to the subject parcels, to CU-B-1.
- On April 7, 2009 City Council approved the conditional/special use permit and site plan for Tractor Supply Center with the following conditions:
 1. The outparcels not be allowed direct access to US 258/NC 24 or Hickory Road as noted on the approved plans.
 2. Make all revisions requested by NC-DOT (prior to submission of a final plat or building permits).
 3. Add a crosswalk at US 258/NC 24 and Hickory Road (prior to submission of a final plat or building permits).
- On February 7, 2011, Bailey and Associates submitted an application for this Conditional Use Permit and Site Plan.
- On March 14, 2011 Planning Board recommended approval of this request.
- On April 5, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- Jordan-Tew & Associates – Design Professional/Engineer
- Bailey & Associates – Applicant/Property Owner
- Adjacent Property Owners – as required by the Zoning Ordinance, public hearing notifications were sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs have

been posted on site and legal advertisements were printed in the Jacksonville Daily News.

Zoning Assessment

A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction and is zoned Conditional Use-Business-1 (CU-B-1). Council will hold a public hearing on the question of annexing this portion at the April 5th Council meeting. It is bordered to the north by a property used for Tractor Supply Shopping Center, zoned CU-B-1 and properties that are undeveloped RM-5; to the west by undeveloped property, zoned CU-B-1; to the east by Hickory Road; and the south Richlands Hwy.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such, the Plan is not entirely indicative of current growth trends. Because of the significant changes in growth patterns within the City and the ETJ, the 1999 Plan should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element identifies the subject parcels as Moderate Density Residential (MDR) in its Future Land Use Map.

MDR represents development serving as a transition between commercial and low-density residential land uses. Mixed-use residential and commercial development may occur adjacent to NC, RC, and IND areas.

The GME Future Land Use designations of nearby properties are MDR to the North and East, RC to the South and West.

The GME Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take in to consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

Evaluation

The applicant has proposed a land use amendment for the property to Regional Commercial. The future land use change will move the current RC designation to the East to Hickory Road. This extension will create two different future land uses on the 200 block

of Hickory Road. While this change will create split designations along the blockface, it will enable the coordinated development of several parcels into a unified plan. Further, the subject parcels will have a relatively limited impact on the surrounding MDR properties as these parcels will be used for parking areas.

Staff believes that the Regional Commercial is the most appropriate future land use designation for the area considering current and planned future developments in the area. The subject parcels are adjacent to other RC parcels that front on Richlands Highway and it is anticipated that these parcels will develop in a coordinated manner appropriate to their location on a highway.

As the current, adopted guiding policy for future growth for the City and its ETJ, staff considers the most appropriate GME future land use designation to be Regional Commercial. Further, the prevalence of other Regional commercial designations to the South and West allow for compatible land uses at this node.

Sewer Flow Allocation Assessment

A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction. As proposed the project will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Parking Assessment

In accordance with Section 102 Parking Requirements, shopping centers/multi tenant buildings require 1 space per 250 square feet of gross floor area or 24 spaces. The developer is proposing 85 parking spaces.

Public Hearing Notification

As required by the Zoning Ordinance, public hearing notifications were sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs have been posted on site and legal advertisements were printed in the Jacksonville Daily News.

Merits of the Conditional Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Conditional Use-Business-1 (B-1) and within this zoning district any use requires a conditional use permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the Regional Commercial is the most appropriate future land use designation for the area considering current and planned future developments in the area. The subject parcels are adjacent to other RC parcels that front on Richlands Highway and it is anticipated that these parcels will develop in a coordinated manner appropriate to their location on a highway.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards; however approval can be conditioned on the following, in addition to proposed conditions on the conditional use permit:

Conditions on the Conditional Use Permit

1. Submit a site plan for the Tractor Supply Center that adjusts the landscaping area being impacted by this proposed development, prior to any building permit being issued.

Conditions on the Site Plan

1. Revise the site plan per TRC Comments in Exhibit D prior to the issuance of a building permit.

- e. The proposed conditional use will not substantially injure the value of adjoining or abutting properties;

Staff findings: A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction and is zoned Conditional Use-Business-1 (CU-B-1). Council will hold a public hearing on the question of annexing this portion at the April 5th Council meeting. It is bordered to the north by a property used for Tractor Supply Shopping Center, zoned CU-B-1 and properties that are undeveloped RM-5; to the west by undeveloped property, zoned CU-B-1; to the east by Hickory Road; and the south Richlands Hwy.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: A portion of the proposed development is located within the City Limits and the other portion is located in the Extraterritorial Jurisdiction and is zoned Conditional Use-Business-1 (CU-B-1). Council will hold a public hearing on the question of annexing this portion at the April 5th Council meeting. It is bordered to the north by a property used for Tractor Supply Shopping Center, zoned CU-B-1 and properties that are undeveloped RM-5; to the west by undeveloped property, zoned CU-B-1; to the east by Hickory Road; and the south Richlands Hwy.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Conditional Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

**B. Approve the Conditional Use Permit and Site Plan with conditions:
(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted in a reasonable timeframe.
- Cons: None.

Conditions on the Special Use Permit

1. Submit a site plan for the Tractor Supply Center that adjusts the landscaping area being impacted by this proposed development, prior to any building permit being issued.

Conditions on the Site Plan

1. Revise the site plan per TRC Comments in Exhibit D prior to the issuance of a building permit.

C. Deny the Conditional Use Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: Bailey and Associates

Location: 2720 Richlands Hwy (Tax Map 332K, Parcel ID # 22,24,25)

Proposed Use of Property: Multi tenant building with multiple uses as listed in Exhibit B

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A

Proposed Uses for IHOP and Retail Shops at Tractor Supply Center Center

Accessory uses
Alcoholic beverage, package and retail sales
Animal hospitals
Apartments
Art galleries
Automobile sales lots, new and used
Bakery, retail
Banks
Beauty schools
Broadcast Communication Towers
Builders supply and equipment sales
Bulletin boards, public, non-commercial
Churches
Clinics
Clubs, lodges and other civic organizations, operating on a non-profit basis
Colleges or universities
Day care centers and nurseries
Department and variety stores
Dry cleaning and laundry facilities
Florist
Funeral homes and mortuaries
Garages, automotive repair
Garages, private
Governmental uses and operations such as sewerage lift stations, water wells, fire stations, maintenance and operations facilities, and similar governmental facilities
Heavy equipment sales and service
Home occupation
Homeless shelter/missions
Hospitals
Hotels and motels
Institutions, charitable
Library, public
Lumberyard, retail sales
Machine shops
Meat processing and packing, other than slaughter
Mobile home sales and service
Museums, public
Newspaper offices
News stands
Non-Broadcast Communication Towers
Offices - business, professional, and public
Parking lot, private
Parking lot, public
Parking or storage of commercial vehicles
Parking or storage of construction vehicles and equipment
Parks and playgrounds, private
Parks and playgrounds, public
Pet shops

Exhibit

B

Pets, not objectionable because of odor, noise or health hazard
Pharmacy
Photographic studios and camera supply
Printing and reproducing
Public/Private Communication Towers
Public utilities substations, storage and service yards
Recreation centers
Recycling collection points
Restaurants
Retail establishments such as hardware, appliance, notions, jewelry, music, art, antique, gift, sporting goods, hobby, etc.
Service shops, such as beauty, barber, shoe repair, radio repair, etc.
Service stations
Sign or outdoor advertising structures
Storage yard for building materials
Studios for artists, designers, photographers, and other similar activities
Tailor, dressmaking and millinery shops
Taverns/bars
Taxi cab office or stand
Temporary refreshment stands
Theaters, indoor
Warehouses, personal storage



Planning Board Minutes – March 14, 2011

Agenda Item:	7
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Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – International House of Pancakes – 2720 Richlands Highway

Bailey & Associates has submitted a conditional use permit and site plan application for a 6,000 square foot multi-tenant building. If approved the development would be constructed at 2720 Richlands Highway where any of the uses listed in Exhibit B would be able to operate. The property is zoned Conditional Use Business 1 (CU-B-1) and within this zoning district any use requires a conditional use permit. A portion of the proposed development is located within the City limits and the other portion is located in the Extraterritorial Jurisdiction. As proposed, the project will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

The subject property is bordered to the north by a property used for Tractor Supply Shopping Center, zoned CU-B-1 and properties that are undeveloped RM-5; to the west by undeveloped property, zoned CU-B-1; to the west by Hickory Road; and the south Richlands Highway. As a courtesy, adjacent property owners were sent notifications regarding the Planning Board meeting. As required by the Zoning Ordinance, public hearing notifications will be sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs will be posted on site and legal advertisements will be printed in the Jacksonville Daily News.

Staff is recommending approval of the Conditional Use Permit and Site Plan with those conditions listed in the staff report.

There was some discussion regarding ingress and egress for the IHOP. There were concerns brought up by some of the board members present regarding the pedestrians crossing the traffic pattern going into the Tractor Supply Center and crossing Richlands Highway. The question was asked if sidewalks would be installed at this location. It was shown where sidewalks will be installed. Chris Bailey came up and answered questions concerning the sidewalk issues and pedestrian crossings. Ms. Joos brought up a concern that people coming out of the Tractor Supply Center do not stop at the stop sign coming onto Hickory Road.

Danny Williams moved to approve the conditional use permit and site plan based on Finding of Facts A through G being found in the affirmative and the one conditional use permit condition and one site plan condition. Homer Spring seconded the motion.

Mr. Keyes stated that he would feel more comfortable if Mr. Bailey could take another look at putting a protected crosswalk for the pedestrians at the

Exhibit C

entrance into Tractor Supply Center. Mr. Spring agreed with Mr. Keyes. He would also like to see something across Richlands Highway for the pedestrians.

The motion to approve the conditional use permit and site plan based on Finding of Facts A through G being found in the affirmative and the one conditional use permit condition and one site plan condition was approved by the Board Members present. The motion was voted for by Alfred Keyes, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos.



TRC Comment Sheet

DATE: 3/10/2011
TYPE: SITE PLAN
FILE NUMBER: 11-90000007
FILE NAME: INTERNATIONAL HOUSE OF PANCAKES
APPLICANT:

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Driveway sections on the western side of the property leading back to the Shopping Center's primary access, should provide some protection of the undeveloped grass area in order to prevent overspill parking on non designated areas.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address is 2720 Richlands Highway. Please label plans.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

No comments, approved as submitted.

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

INTERNATIONAL HOUSE OF PANCAKES/HWY 24
NO COMMENTS 3-1-11

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

International House of Pancakes

APPROVED 3/3/2011

Revisions may trigger additional comments.

DEPARTMENT: Public Services

Exhibit

D

DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for IHoP stamped received 2/28/11 is approved by the Public Works Section.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

No comments submitted by TRC – 2/17/11
No comments submitted by TRC – 3/4/11

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

No comments submitted by TRC – 2/17/11

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments submitted by TRC – 2/17/11

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

International House of Pancakes
11-90000007

2/9/2011

Site plan appears to show 3 dumpster location and enclosures. This is approved with one of the dumpsters used for the collection of recycling materials.

Each enclosure should be at least 11 feet in width and 12 feet in depth, with the height of the enclosure to be at least 6 feet high or the height of the dumpster whichever is higher.

Please make sure drop rods and holes are in place for proper opening and closing of enclosure doors.

DEPARTMENT: Planning & Development Services

DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910.938.5073

TRC Review Date: 2/17/11
Review: 3/10/11 on site plan submitted 2/28/11

Project: IHOP
COJ Project #: 11-90000007
Proposed Address: 2720 Richlands Highway

Please list in site plan notes:

TIA Required: N/A

Collector Street Plan: Richlands Highway is identified on the 2009 Jacksonville Collector Street Plan as a section of the Future Highway Network.

Bicycle and Pedestrian Transportation Plan: N/A

- In the remote parking lot, the parking spaces along the back, north, are not consistently spaced or correct in width. Please reconfigure.
 - Also remove pavement markers in remote lot where additional driveway from Hickory Road was previously proposed.
- ~~1) Please show appropriate traffic control pavement markings, including stop bars and stop signs.~~
 - 2) Stop bars should be located on either side and 4' behind the crosswalk connecting sidewalk network along front and the building.
 - ~~3) All sidewalks should be at least 5' in width.~~
 - ~~4) Wheel stops must be used in parking spaces that front sidewalk that is less than 7' wide.~~
 - ~~5) The face of the wheel stop should be located 2.5' away from the front of the space.~~
 - ~~6) Show handicap ramps connecting all sidewalks and crosswalks, as well as at handicap parking spaces.~~
 - ~~7) Add crosswalks to remote parking area with appropriate stop bars.~~
-

DEPARTMENT: Public Services

DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

No additional comments.

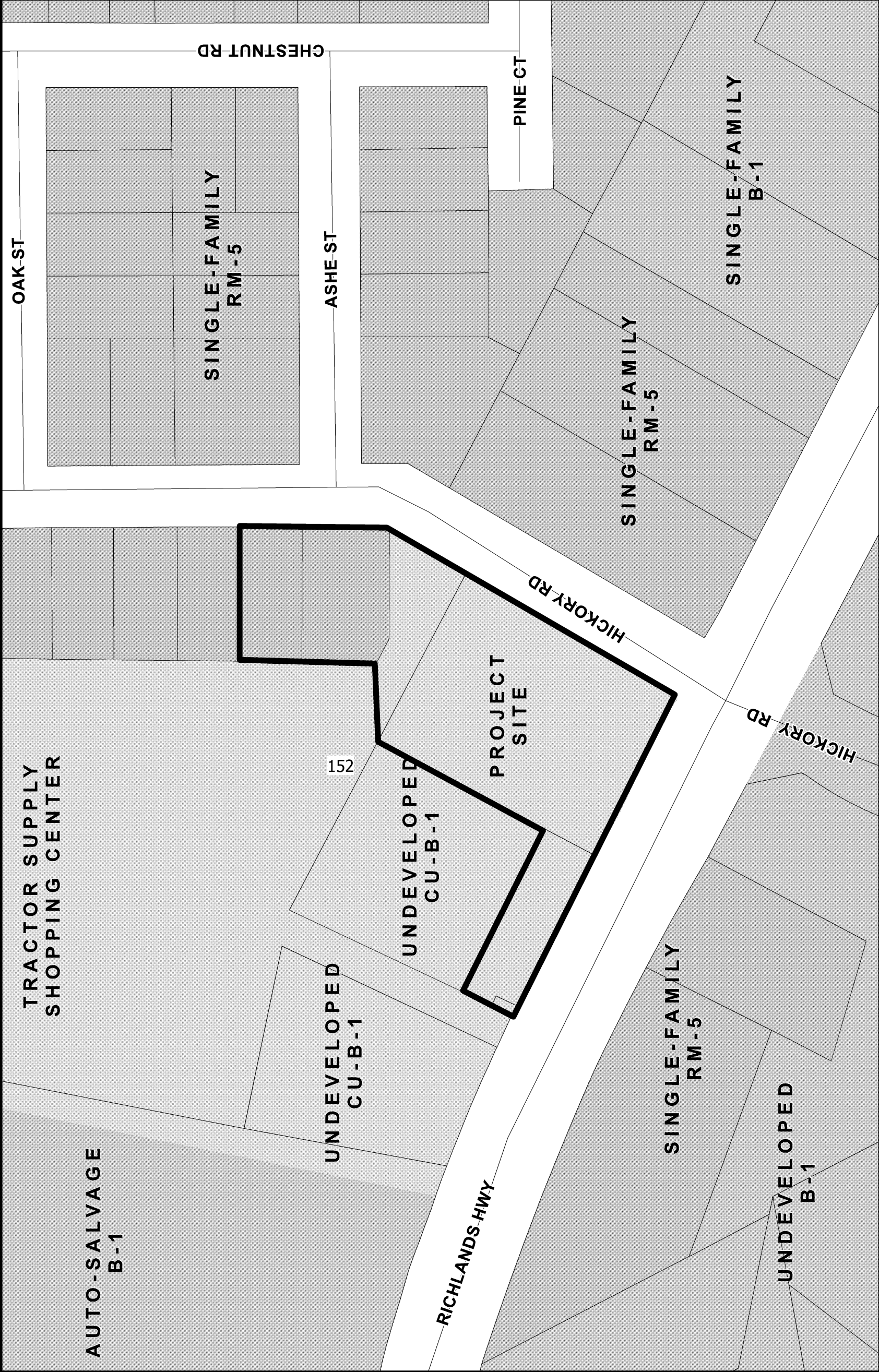
Based upon our cursory review of the submitted information it appears that a Stormwater Permit Modification is required for the submitted plan.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: INTERNATIONAL HOUSE OF PANCAKES

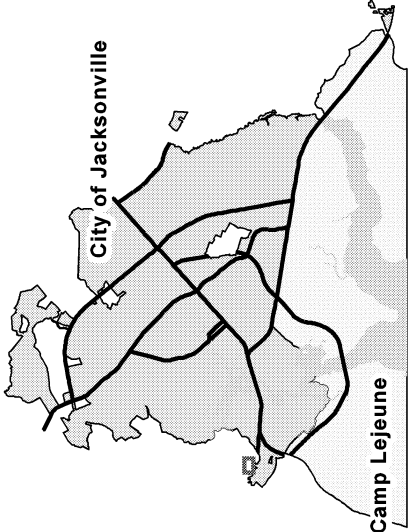
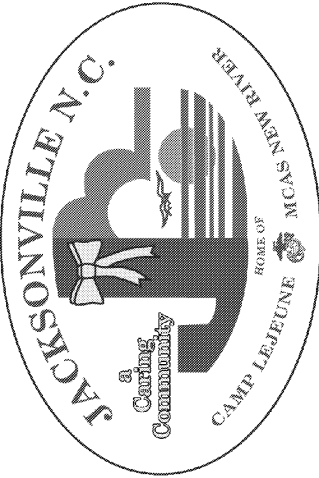
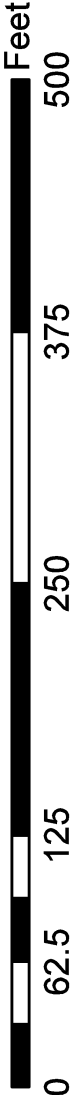
Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	No comments submitted by TRC - 2/17/11	

IHOP at TRACTOR SUPPLY SHOPPING CENTER - 2720 RICHLANDS HWY.



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Legend

Centerlines
Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TOA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Exhibit

E



Request for City Council Action

Agenda Item:	8
Date:	4/5/2011

Subject: Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – The Door Church – 431 Unit 1 Western Blvd.

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: Yes

Issue Statement

The Door Church has submitted a Special Use Permit and Site Plan application for a proposed church. If approved, the church would occupy an existing 31,500 square foot building located at 431 Unit 1 Western Blvd. The property is zoned Business-1 (B-1) and within this zoning district a church is a permitted use, however the structure is over 25,000 square feet; therefore, a Special Use Permit is required.

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Special Use Permit and Site Plan

Recommendation

The Planning Board and City staff recommend Council approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Conditional/Special Use Permit Worksheet
- B Draft Planning Board Minutes, March 14, 2011
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – The Door Church – 431 Unit 1 Western Blvd.

Introduction

The Door Church has submitted a Special Use Permit and Site Plan application for a proposed church. If approved, the church would occupy an existing 31,500 square foot building located at 431 Unit 1 Western Blvd. The property is zoned Business-1 (B-1) and within this zoning district a church is a permitted use, however the structure is over 25,000 square feet therefore a Special Use Permit is required.

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On September 21, 2000 City Council, approved the construction and operation of a roller skating rink at this location.
- On January 24, 2011 John L. Pierce and Associates on behalf of The Door Church, submitted an application for this Special Use Permit and Site Plan.
- On March 14, 2011 Planning Board recommended approval of this request.
- On April 5, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- John L. Pierce and Associates – Design Professional/Surveyor
- The Door Church – Applicant
- Deborah Ulmer – Property Owner
- Adjacent Property Owners – as required by the Zoning Ordinance, public hearing notifications were sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs have been posted on site and legal advertisements were printed in the Jacksonville Daily News.

Zoning Assessment

The property is located in the City limits and is zoned Business-1 (B-1). It is bordered to the north by a property used for a contractor's office, zoned Business-2 (B-2); to the west by property used for single family residential, zoned Residential Multi family 5 (RM-5); to the east by property used for various retail and service business, zoned B-1; and to the south by a property used as a bowling alley, zoned B-1.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal vacant land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Plan Future Land Use Map (2007)

The Growth Management Plan (GMP) identifies the subject parcels as Neighborhood Commercial (NC) in its Future Land Use Map.

Neighborhood Commercial is intended for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

Evaluation

Staff believes that the proposed project's land use is consistent with the draft CAMA and the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Sewer Flow Allocation Assessment

The proposed development is located within the City Limits and is currently served by City sewer. If additional allocation is required, requests will be processed in accordance with the adopted policy.

Parking Assessment

In accordance with Section 102 Parking Requirements, a church shall provide 1 space per 4 seats in the sanctuary and 1 space per 200 square feet of non assembly area. As proposed the church will require 162 spaces. The project is eligible for a 20% reduction which brings the required parking to 135. The developer has identified 144 existing spaces, and an additional 98 shared spaces for overflow parking on the adjacent property (Bowlarena).

Public Hearing Notification

As required by the Zoning Ordinance, public hearing notifications were sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs have been posted on site and legal advertisements were printed in the Jacksonville Daily News.

Merits of the Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Business-1 (B-1) and within this zoning district church is a permitted use; however, the structure is over 25,000 square feet therefore a Special Use Permit is required.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the draft CAMA and the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan meets all applicable standards.

- e. The proposed special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City limits and is zoned Business-1 (B-1). It is bordered to the north by a property used for a contractor's office, zoned B-2; to the west by property used for single family residential, zoned RM-5; to the east by property used for various retail and service business, zoned B-1; and to the south by a property used as a bowling alley, zoned B-1.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City limits and is zoned Business-1 (B-1). It is bordered to the north by a property used for a contractor's office, zoned B-2; to the west by property used for single family residential, zoned RM-5; to the east by property used for various retail and service business, zoned B-1; and to the south by a property used as a bowling alley, zoned B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the special use permit and site plan as presented. (RECOMMENDED)

- Pros: The site plan meets all applicable City standards.
- Cons: None.

B. Deny the special use permit and site plan request.

- Pros: None.
- Cons: The site plan meets all applicable City standards. Denial of the request could be perceived as arbitrary and capricious.

C. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.

WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: The Door Church

Location: 2007 Western Blvd (Tax Map 346K, Parcel ID # 8.3)

Proposed Use of Property: Church greater than 25,000 sq. ft.

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



Planning Board Minutes – March 14, 2011

Agenda Item:	8
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Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – The Door Church – 431 Unit 1 Western Blvd.

The Door has submitted a Special Use Permit and Site Plan application for a proposed church. If approved, the church would occupy an existing 31,500 square foot building located at 431 Unit 1 Western Blvd. The property is zoned Business-1 (B-1) and within this zoning district church is a permitted use, however the structure is over 25,000 square feet therefore a Special Use Permit is required. The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be process in accordance with the adopted policy.

The subject property is bordered to the north by a property used for a contractor's office, zoned Business-2 (B-2); to the west by property used for single family residential, zoned Residential Multi-family 5 (RM-5); to the west by property used for various retail and service business, zoned B-1; and to the south by a property used as a bowling alley, zoned B-1. As a courtesy, adjacent property owners were sent notifications regarding the Planning Board meeting. As required by the Zoning Ordinance, public hearing notifications will be sent to all adjacent property owners within 200 feet of the property prior to the public hearing held by City Council. In addition, signs will be posted on site and legal advertisements will be printed in the Jacksonville Daily News.

Staff is recommending approval of the special use permit and site plan as presented.

Mr. Spring asked if this parcel has an access to a signalized intersection. Mr. Smith stated it does not.

Homer Spring moved to approve the special use permit and site plan as presented. Alfred Keyes seconded the motion.

The motion to approve the special use permit and site plan as presented was unanimously approved by the Board Members present.

Exhibit

B



TRC Comment Sheet

DATE: 3/9/10
TYPE: SITE PLAN
FILE NUMBER: 11-90000004
FILE NAME: LOT 2 ROGER R. DOUGLAS ESTATE- THE DOOR, INC
APPLICANT: JOHN L. PIERCE & ASSOC

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Approved.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address is 433-Unit 1 Western Blvd. Address labeled correctly on plans. Approved as presented.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

Plans reviewed and approved with no additional comments at this time

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

NO COMMENTS 2-9-11

Exhibit

C

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

The Door

APPROVED (2/10/2011)

COMMENTS:

1. This development may qualify as a **Tier 1, 2, or 3** project in accordance with the Sewer Allocation Policy. If so a Sewer Allocation Request Form must be submitted to Michael Moore in the Public Services Engineering Department. A copy of the Sewer Allocation Policy and the Sewer Allocation Request Form are available on the City of Jacksonville website at www.ci.jacksonville.nc.us and are located in the **Engineering and Construction** section under **Government & City Services**.

Revisions may trigger additional comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

Revised plan for the Door Christian Fellowship Church, Inc. stamped received February 8, 2011 is approved by the Public Works Section.

DEPARTMENT: Jones Onslow EMC
PLAN REVIEWER: Robert Lanier

No comments

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

No comments

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Approved as submitted.

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

No additional comments

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us,
910.938.5073

TRC Review Date: 2/3/11
Review Date: 3/10/11

Project: The Door, church
COJ Project #: 11-90000004
Proposed Address: 433 Western Boulevard, Unit 1

- Approved as submitted.

Please include as notes on plans:

TIA: Not required.

Collector Street Plan: Western Boulevard is identified in the City of Jacksonville Collector Street Plan (2009) as part of the Future Highway Network

Bicycle and Pedestrian Transportation Plan: Western Boulevard is identified by the City of Jacksonville Bicycle and Pedestrian Transportation Plan (2008) with proposed bicycle lanes.

- ~~1) Show connection between sidewalk along frontage and building.~~
- ~~2) Show crosswalk on main driveway connecting sidewalk network.~~
- ~~3) Compact spaces shall be conspicuously designated with signage or pavement markings.~~
- ~~4) Confirm handicap access at rear of building.~~

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

Based upon our cursory review of the submitted information, we have determined that a Stormwater Permit is not required for the submitted plan. If, however, there are changes to the plans, it shall be the applicant's responsibility to determine if those changes will make the project subject to stormwater permitting requirements. If the applicant is uncertain as to whether a change to the plans will trigger the need for a Stormwater Permit it is the applicant's responsibility to obtain clarification from the Stormwater Manager (tel. no. 910-938-6446).

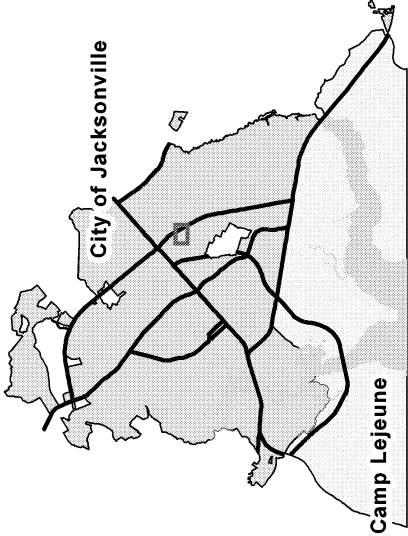
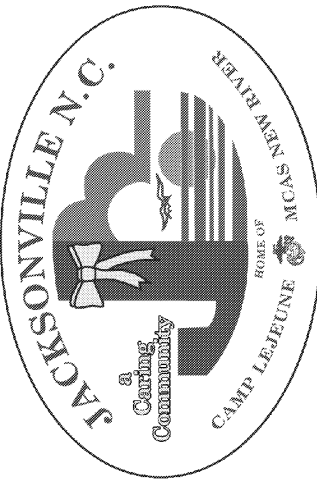
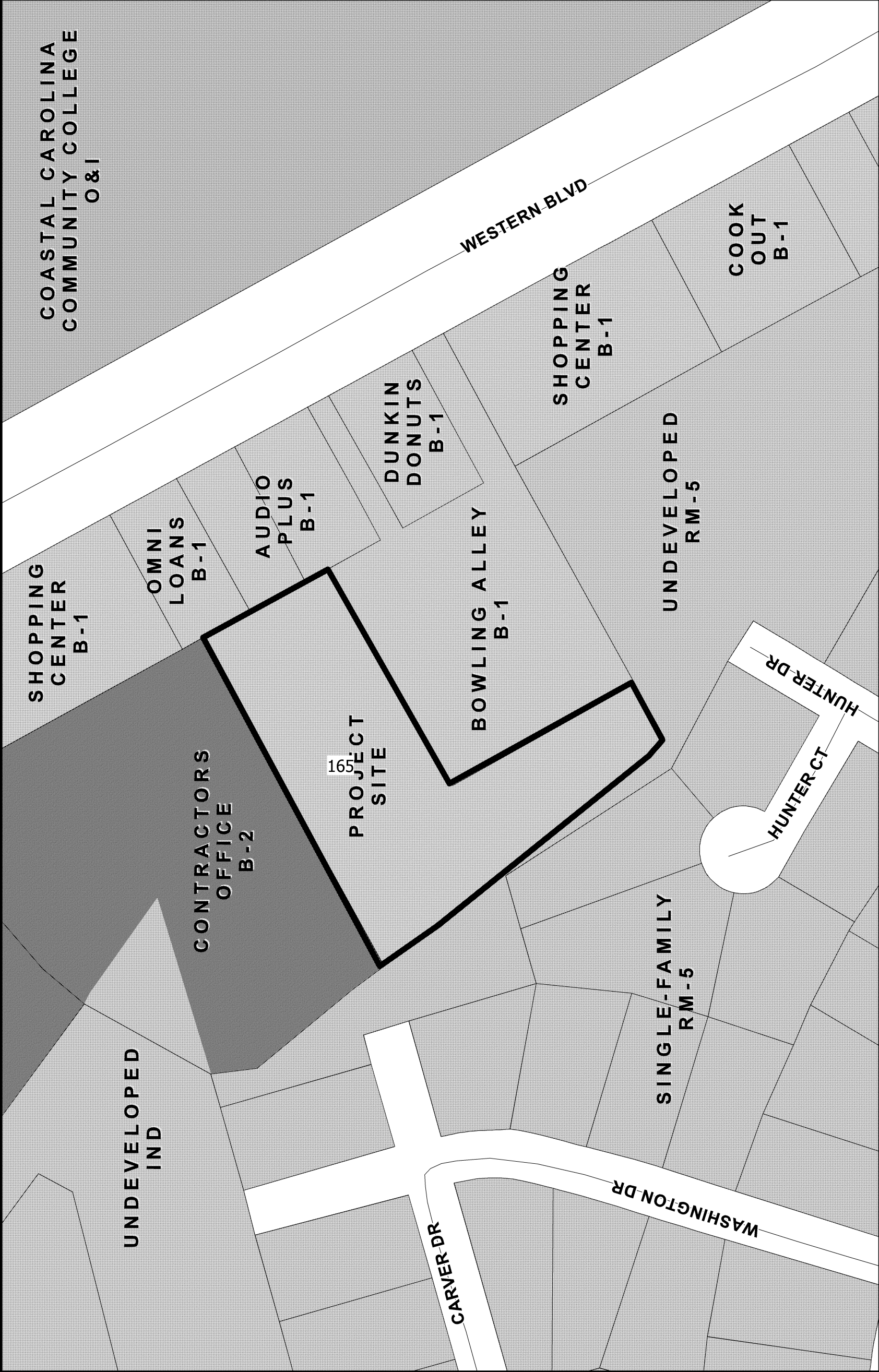
Additional information regarding the City's stormwater management program can be found contacting the Stormwater Manager and by visiting the website at <http://www.ci.jacksonville.nc.us/opencms/opencms/publicservices/stormwater/>.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: LOT 2 ROGER R. DOUGLAS ESTATE- THE DOOR,

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions,including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000004	
	APPROVED	

The Door Church, 433-Unit 1 Western Blvd.



Legend

- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
-----	------	-----	--------	-----	--------	-----	--------	-----	--------	-----	-----	----	-------	-----	-------	----------	-------	-------	-----	------	------	------	------	------	--------	------	------	---------	----

Exhibit

D



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





Request for City Council Action

**Consent
Agenda
Item:** **9**
Date: 4/5/2011

Subject: Voluntary Annexation Petition – Kennith P. Whichard Jr, – 1.39 Acres – Gateway Plaza/Future Western Parkway

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

At the March 22, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from John Pierce and Associates on behalf of Kennith P. Whichard, Jr for a 1.39-acre tract that is contiguous to the current City limit boundaries. The site is located adjacent to Gateway Plaza (Target) and future Western Parkway.

The site is a portion of a larger property proposed for a future Kohl's Department Store. In accordance with statutory guidelines, the dedicated right of way for Western Parkway abutting the annexation area will automatically be included in this annexation process.

The City Clerk has conducted the required investigation and found as a fact that said petition is signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution has been prepared scheduling a Public Hearing on this annexation for the April 19, 2011 Meeting.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider the Resolution Scheduling Public Hearing

Recommendation

Staff recommends that Council move to adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Certificate of Sufficiency
- B Proposed Resolution
- C Location Map



Staff Report

Voluntary Annexation Petition - Kenneth Whichard Jr. – 1.39 Acres – Gateway Plaza/Future Western Parkway

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The site is located adjacent to Gateway Plaza (Target) and future Western Parkway. In accordance with statutory guidelines, the dedicated right of way for Western Parkway abutting the annexation site will be automatically included in the annexation process. The site is a portion of a larger property proposed for a future Kohl's Department Store.

Procedural History

- March 22, 2011 – Council adopted a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- April 5, 2011 – Council will consider a Resolution scheduling a future Public Hearing.
- April 19, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- April 30, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- Kenneth P. Whichard, Jr. - Property owners/petitioner
- John Pierce & Associates
- Citizens of Jacksonville

Options

Adopt the Resolution Scheduling the Public Hearing: **RECOMMENDED**

- Pros: The site is contiguous to the current corporate limits and is proposed for future commercial development;
- Cons: None

Deny the Resolution Scheduling the Public Hearing:

- Pros: None
- Cons: This action would conflict with past actions associated with contiguous property proposed for development;

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

CERTIFICATE OF SUFFICIENCY
KENNITH WHICHARD JR PROPERTY
1.39 ACRES

To: The City Council of the City of Jacksonville, North Carolina

I, Carmen K. Miracle, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Jacksonville, this 23rd day of March, 2011.

Carmen K. Miracle, CMC
City Clerk

Parcel I.D. 345-9.43; Portion of 345-9.3

Attachment

A

RESOLUTION (2011-)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED

KENNITH P. WHICHARD JR PROPERTY
1.39 ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the
sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been
made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville,
North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein
will be held at City Hall at 7 o'clock, P.M. on the 19th day of April 2011.

Section 2. The area proposed for annexation is described as follows:

KENNITH P. WHICHARD JR.
1.39 ACRE/60,482.08 SQUARE FOOT TRACT
JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA

Commencing at a point located where the Northwestern right of way of Gateway South (60 foot right of way as per Map Book 37 Page 104 of the Onslow County Registry) intersects the Southwestern right of way of NCSR 1470 (commonly known as Western Blvd. – 200 foot right of way); and running thence along the said right of way of Gateway South 50 degrees 59 minutes 49 seconds West 1004.78 feet to a point, said point also being *THE TRUE POINT OF BEGINNING*: thence from the described beginning and continuing along the said right of way South 50 degrees 59 minutes 49 seconds West 105.00 feet to an iron stake; thence leaving the said right of way and running North 38 degrees 58 minutes 06 seconds West 88.55 feet to an iron stake; thence North 13 degrees 52 minutes 55 seconds West 138.36 feet to an iron stake; thence North 50 degrees 07 minutes 37 seconds West 291.83 feet to an iron stake; thence North 35 degrees 37 minutes 42 seconds West 210.88 feet to a point; thence North 51 degrees 01 minutes 55 seconds East 90.54 feet to a point; thence South 38 degrees 58 minutes 05 seconds East 710.62 feet to the point and place of beginning. Containing 1.39 acres/60,482.08 square feet and being a portion of Deed Book 919 Page 520 of the Onslow County Registry and being subject to all easements of record. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North (NAD 83)

Attachment

B

Section 3. Notice of said public hearing shall be published in the Daily News, a newspaper having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said public hearing.

Adopted by the Jacksonville City Council in regular session this 5th day of April, 2011.

Sammy Phillips, Mayor

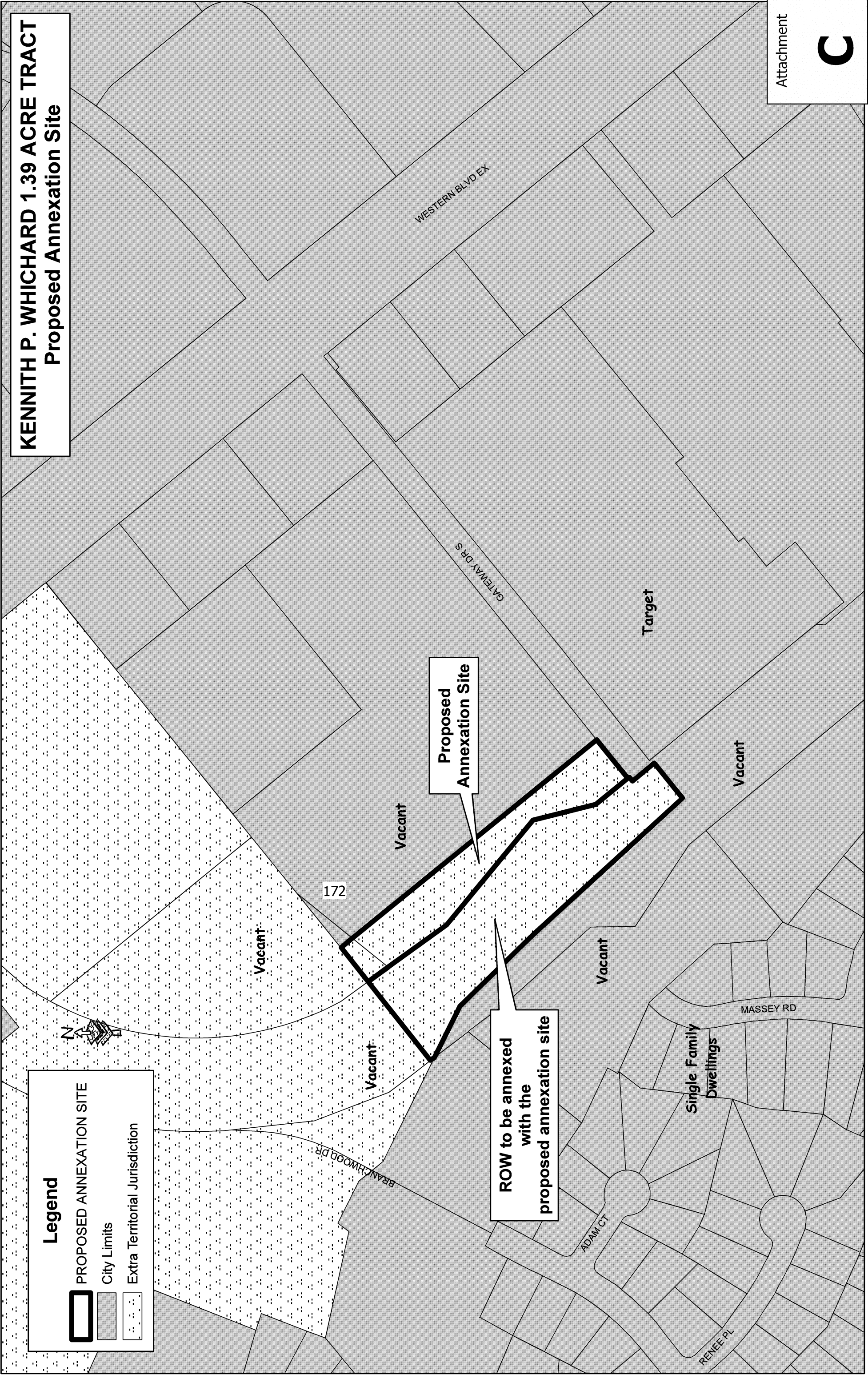
ATTEST:

Carmen K. Miracle, City Clerk

KENNETH P. WHICHARD 1.39 ACRE TRACT
Proposed Annexation Site

Attachment

C





Request for City Council Action

**Consent
Agenda
Item:** **10**
Date: 4/5/2011

Subject: Site Plan with approved Special Use Permit – Lejeune Honda – 2221 N. Marine Blvd.

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: No

Issue Statement

John L. Pierce and Associates has submitted an application for a site plan with an approved special use permit for a 2,240 square foot addition (detail shop) to the existing 28,850 square foot automobile sales lot, the combined total is 31,090. The property is zoned Business-1 (B-1) and within this district automobile sales lots are permitted; however, the combined square footage is over 25,000 therefore a special use permit was required. A special use permit was approved by City Council on May 22, 2007.

Financial Impact

None

Action Needed

Consideration of the site plan with approved special use permit.

Recommendations

The Planning Board and City staff recommend Council approve the site plan with approved special use permit with one site plan condition.

Approved: ☒ City Manager ☐ City Attorney

Exhibit:

- A Draft Planning Board Minutes, March 14, 2011
- B TRC Comment Sheet
- C Zoning and Land Use Map
- D Site Plan



Staff Report

**Consent
Agenda
Item: 10**

Site Plan with approved Special Use Permit – Lejeune Honda – 2221 N. Marine Blvd.

Introduction

John L. Pierce and Associates has submitted an application for a site plan with an approved special use permit for a 2,240 square foot addition (detail shop) to the existing 28,850 square foot automobile sales lot, the combined total is 31,090. The property is zoned Business-1 (B-1) and within this district, automobile sales lots are permitted; however, the combined square footage is over 25,000 therefore, a special use permit is required. A special use permit was approved by City Council on May 22, 2007.

Procedural History

- On May 22, 2007 City Council approved a special use permit and site plan for a 28,850 square foot automobile sales lot.
- On January 31, 2011 John L Pierce and Associates submitted an application requesting approval of this site plan.
- On March 14, 2011 the Planning Board recommended approval of this request.
- On April 5, 2011 City Council will consider this request.

Stakeholders

- Lejeune Motor Company, Inc – Owner
- John L. Pierce and Associates – Applicant/Surveyor
- Adjacent property owners

Zoning Assessment

The property is located within the City limits and zoned Business 1 (B-1). It is bordered to the northeast by National Dodge automobile sales lot, zoned B-1; to the northwest by single-family residential, zoned TCA; to the southwest by the Lincoln-Mercury automobile sales lot, zoned B-1; and to the southeast by North Marine Blvd.

Parking Assessment

Section 102 Parking requires 1 space per every service bay or 1 space per 250 sq. ft. of gross floor area, whichever is greater. Therefore, this expansion will require an additional 9 spaces. These 9 spaces would be in addition to the 65 existing/required for the site

which brings the total proposed/existing parking spaces up to 75. There are also 196 spaces used for inventory and display currently on site.

Sewer Flow Allocation Assessment

As proposed, the development is located within the City limits and will impact the City's Sewer Flow Allocation Policy. Any requests for sewer will have to follow the policy requirements.

Options

A. Approve the site plan with approved special use permit as presented.

- Pros: None.
- Cons: The site plan does not meet all applicable City standards.

B. Approve the site plan with approved special use permit with one condition as follows. **(RECOMMENDED)**

Condition:

1. Revise the site plan per TRC Comments in Exhibit B prior to the issuance of a building permit.

- Pros: Allows the development process to move forward.
- Cons: The site plan does not meet all applicable City standards.

C. Deny the site plan with approved special use permit request.

- Pros: The site plan does not meet all applicable City standards.
- Cons: Would delay the development process due to minor technical issue that can be handled by city staff review.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.



Planning Board Minutes – March 14, 2011

Consent
Agenda
Item: **10**

Site Plan with approved Special Use Permit – Lejeune Honda – 2221 N. Marine Blvd.

John L. Pierce & Associates has submitted an application for a site plan with an approved special use permit for a 2,240 square foot addition (detail shop) to the existing 28,850 square foot automobile sales lot, the combined total is 31, 090. The property is zoned Business 1 (B-1) and within this district automobile sales lots are permitted; however, the combined square footage is over 25,000 therefore a special use permit was required. A special use permit was approved by City Council on May 22, 2007.

The property is located within the City limits and zoned Business 1 (B-1). It is bordered to the northeast by National Dodge automobile sales lot, zoned B-1; to the northwest by single-family residential, zoned TCA; to the southwest by the Lincoln-Mercury automobile sales lot, zoned B-1; and to the southeast by North Marine Blvd. Staff is recommending approval of the site plan with approved special use permit with one site plan condition being that they meet any outstanding comments listed in Exhibit A TRC comment sheet.

Danny Williams moved to approve the site plan with approved special use permit with one site plan condition. Theresa VanderVere seconded the motion.

The motion to approve the site plan with approved special use permit with one site plan condition was unanimously approved by the Board Members present.

Exhibit

A



TRC Comment Sheet

DATE: 3/9/2011
TYPE: SITE PLAN
FILE NUMBER: 11-90000006
FILE NAME: LEJEUNE HONDA CARS DEALERSHIP-PORION OF LOT 15 FOXHORN VILLAGE SECTION I PHASE II
APPLICANT: JOHN L. PIERCE AND ASSOC.

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Approved

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address is 2221 N Marine Blvd. Address labeled correctly on plans. Approved as presented.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

Plans reviewed and approved with no additional comments at this time

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

LEJEUNE HONDA CARS DEALERSHIP

- 1) Provide an accessible route from new exit to the public way. (Added Exit)
-

Exhibit

B

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Lejeune Honda Cars Dealership (2/24/2011)

APPROVED

COMMENTS:

1. Parcels within this project are subject to the provisions of the sewer allocation policy of the City of Jacksonville and sewer capacity for any parcel may not be available. Sewer flow allocation must be awarded prior to approval. This facility is considered as **Tier 1**

Revisions may trigger additional comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for LeJeune Honda Cars stamped received February 21, 2011 are approved by the Public Works Section.

DEPARTMENT: NCDOT
PLAN REVIEWER: William C. Barbee

No comments

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

No comments

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments submitted by TRC

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Lejeune Motor Company
11-90000006

2-22-2011

TRC comments indicate that there will be two dumpster inside this enclosure, one for recycling and the other for the refuse. The enclosure should be 22 feet wide and 12 feet in depth with the height of the enclosure at least 6 feet or the height of the dumpster whichever is greater. The collection truck is at least 10 feet from outside mirror to outside mirror and this would allow proper maneuverability for the collection truck.

Please make sure door stops are in place for opening the enclosure doors and keeping them open for the collection process.

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue

No comments

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

No additional comments.

Based upon our cursory review of the submitted information, we have determined that a Stormwater Permit is not required for the submitted plan. If, however, there are changes to the plans, it shall be the applicant's responsibility to determine if those changes will make the project subject to stormwater permitting requirements. If the applicant is uncertain as to whether a change to the plans will trigger the need for a Stormwater Permit, it is the applicant's responsibility to obtain clarification from the Stormwater Manager (tel. no. 910-938-6446).

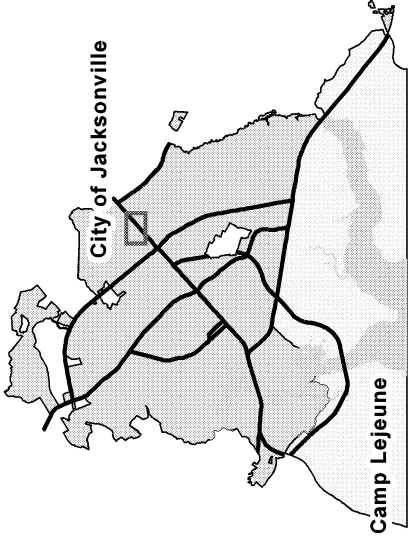
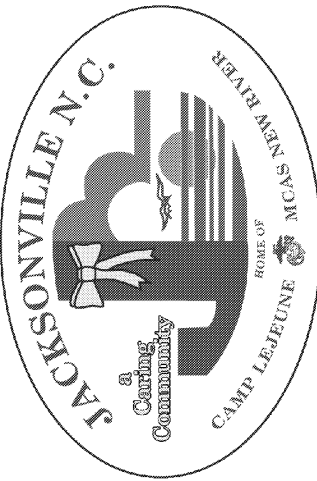
Additional information regarding the City's stormwater management program can be found contacting the Stormwater Manager and by visiting the website at <http://www.ci.jacksonville.nc.us/opencms/opencms/publicservices/stormwater/>.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: LEJEUNE HONDA CARS DEALERSHIP-PORION OF

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions,including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000006	
	APPROVED	

LEJEUNE HONDA - 2221 N. MARINE BLVD.



Legend
 — Centerlines
 □ Parcels

Zoning TV Colors
Zones
 IND
 CU-B
 B-1
 CU-B-1
 B-2
 CU-B-2
 O&I
 CU-O&I
 TCA
 CU-TCA
 CBD
 OMU
 NB
 CU-NB
 R-O
 RA-20
 CU-RA-20
 RS-12
 RS-10
 R-7
 RS-7
 RS-6
 RM-6
 RS-5
 RM-5
 CU-RM5
 RD-5
 RD-3
 CU-RD-3
 MR

Exhibit

C



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Request for City Council Action

**Consent
Agenda
Item:** **11**
Date: 4/5/2011

Subject: Utility Agreement for Transportation Improvements Plan (TIP) Project - TIP Project U-4007A, White Street Extension

Department: Public Services

Presented by: Deanna Young

Presentation: No

Issue Statement

The N.C. Department of Transportation (NCDOT) has plans to extend White Street from Bell Fork Road to Western Blvd. This Project, known as White Street Extension, is expected to be advertised within the coming months and construction anticipated to begin October 2011. In January 2010, staff requested that the utility adjustments and relocations be included as part of NCDOT's scope of work. NCDOT has now submitted the attached Utility Agreement to seek payment for the relocation of municipal water lines.

At the City's request, NCDOT has prepared a cost estimate to relocate these utilities in the amount of \$175,631.73. These utility lines have been designed by NCDOT and will be relocated by NCDOT's contractor during the construction of this project.

Financial Impact

Previously encumbered as part of the Municipal Agreement for this Project with NCDOT.

Action Needed

Consideration of the Utility Agreement and Budget Ordinance.

Recommendation

Staff recommends that City Council approve the Utility Agreement as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Transportation Improvement Project Utility Agreement



Staff Report

**Consent
Agenda
Item: 11**

Utility Agreement for Transportation Improvements Plan (TIP) Project - TIP Project U-4007A, White Street Extension

Introduction

The N.C. Department of Transportation (NCDOT) has plans to extend White Street from Bell Fork Road to Western Boulevard. This Project, known as White Street Extension, is expected to be advertised within the coming months and construction anticipated to begin October 2011. As such, NCDOT has submitted the attached Utility Agreement and cost estimate for the relocation of the affected municipal water lines.

In January 2010, staff requested that the utility adjustments and relocations be included into NCDOT's scope of work which resulted in a cost savings by the City both in time and in money as they would be designed by NCDOT and constructed by NCDOT's contractor. This eliminated the need for the City to hire a consultant to design the adjustments and a contractor to perform work while trying to meet NCDOT's timeline.

On July 20, 2010, Council approved a Municipal Agreement with NCDOT for roadway improvements to Western Parkway from South of Country Club Road to Western Boulevard. This Agreement set aside funds that cover the cost associated with this Utility Agreement for the White Street Extension.

Any changes that may occur after the award of the construction contract will be the City's responsibility for payment. At the completion of this project, NCDOT will submit an itemized invoice of the actual costs incurred for the utility adjustment and relocation.

Stakeholders

- City Residents
- NCDOT
- Traveling Motorists

Options

Option #1: Approve the Utility Agreement **(RECOMMENDED)**

Pros: By requesting NCDOT to include the necessary utility adjustments, it will allow one entity to facilitate the design and construction of a project thereby allowing the project to move forward much quicker.

Cons: Although the City will provide comments on the relocation of the utility adjustments, NCDOT will be solely responsible for project management.

Option #2: Reject the Utility Agreement

Pros: NCDOT could not proceed with the design and construction of this project pending additional information from the City with regards to the relocation of the utility adjustments.

Cons: The City would need to enter into a contract with an Engineering Firm for design and construction of the utility adjustments which would cause a delay for NCDOT as well as adding an additional project for the City to manage and more than likely increase the cost of the utilities relocation.

NORTH CAROLINA
ONslow COUNTY

UTILITY AGREEMENT

DATE: 2/28/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: U-4007 A

AND

WBS Elements: 35008.2.3

CITY OF JACKSONVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Jacksonville, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-4007 A, in Onslow County, said plans consists of improvements to SR 1702 (White St. Extension) from SR 1808 (Bell Fork Rd.) to SR 1470 (Western Blvd.); Onslow County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project U-4007 A Onslow County, for the contractor to adjust and relocate water line Said work shall be accomplished in accordance with project plan sheets attached hereto as Exhibit "B" and cost estimate attached hereto as Exhibit "A" .
2. The Municipality shall be responsible for water line cost as shown on the attached Exhibit "B".
The estimated cost to the Municipality is \$175,631.73 as shown on the attached Exhibit "A". It is

understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

- A. Upon completion of the utility work, the Department shall submit an itemized invoice to the Municipality for cost incurred. Billing will be based upon the actual bid prices and actual quantities used.
 - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
 - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105.241.21.
 - D. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF JACKSONVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the City of Jacksonville as attested to by the signature of _____ Clerk of said governing body on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Jacksonville

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

EXHIBIT A

U-4007a US 17 - White St. Extension
City of Jacksonville
Onslow County
Utility Estimate

Item Number	Section Number	Description	Quantity	Units	Unit Cost	Amount
0320000000-E	SP	FOUNDATION CONDITIONING FABRIC	3693.75	SY		
0330000000-E	SP	GENERIC DRAINAGE ITEM FOUNDATION CONDITIONING MATERIAL, MINOR STRS	156.62	TON		
5325600000-E	1510	6" WATER LINE	137	LF		
5325800000-E	1510	8" WATER LINE	30	LF		
5326200000-E	1510	12" WATER LINE	824	LF		
5326600000-E	1510	16" WATER LINE	486.5	LF		
5540000000-E	1515	6" VALVE	1	EA		
5558000000-E	1515	12" VALVE	2	EA		
5558600000-E	1515	16" VALVE	2	EA		
5572200000-E	1515	12" TAPPING VALVE	2	EA		
5606000000-E	1515	2" BLOW OFF	1	EA		
5648000000-N	1515	RELOCATE WATER METER	7	EA		
5649000000-N	1515	RECONNECT WATER METER	1	EA		
5672000000-N	1515	RELOCATE FIRE HYDRANT	5	EA		
		RECONNECT FIRE HYDRANT	2	EA		
		TOTAL COST				\$175,631.73



Request for City Council Action

**Consent
Agenda
Item:** **12**
Date: 4/5/2011

Subject: Amendment of Gantt Huberman Architect Contract reference Public Safety Building

Department: City Manager and City Attorney

Presented by: Richard L Woodruff and John T. Carter Jr.

Presentation: No

Issue Statement.

The City Management has been authorized by the City Council to proceed with the construction of the new Center for Public Safety. As part of that effort, management has reviewed the current contract with Gantt Huberman and has determined that certain changes are needed due to the extended time taken in the schematic design phase of the project.

Staff is proposing to amend their contract as attached. Some of the major modifications include:

- (1) Timeline: Express in the amended contract a new timeline,
- (2) Project Cost: Change in the budget amount and modification of contract timeline without a change in the architectural fee,
- (3) Demolition: Removal of Bojangles demolition from the contract,
- (4) City Project Observer-Added project observer; and,
- (5) Pre-Qualification of Contractors: Better define architect's role as to prequalifying of bids

Financial Impact

None

Action Needed

Consider the Amended Contract

Recommendation

Staff recommends Council approve the amended Gantt Huberman architectural contract for the Public Safety Building.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Amendment to Gantt Huberman architectural contract for the public safety building dated June 29, 2009

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, made this the _____ day of _____, 2011, by and between the City of Jacksonville, a North Carolina Municipal Corporation, hereinafter referred to as "City", and Gantt Huberman Architects, PLLC, hereinafter referred to as "Architect";

WITNESSETH

WHEREAS, the City and Architect entered into an Agreement dated the 29th day of June, 2009, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the City and Architect now desire to amend the aforesaid Agreement by the amendment of certain provisions thereof as set forth herein; and

NOW, THEREFORE, for and in consideration of the agreements, stipulations, and covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, City and Architect do hereby agree, stipulate and covenant, each with the other, as follows:

1. Item II B, the following wording is deleted: "Services shall be performed as expeditiously as is consistent with professional skill and care and with the orderly process of the Project. The Architect agrees to complete the performance of its services under the Scope of Work not later than thirty-six (36) months from the Owner's Notice to Proceed." and the following wording is substituted in lieu thereof: "Services shall be performed as expeditiously as is consistent with professional skill and care and with the orderly process of the Project. Owner will issue a new Notice to Proceed and the Architect agrees to complete the performance of its services necessary to produce bid documents within Nine (9) months of said notice."
2. Item II J, the following wording is deleted: "IDENTIFICATION OF SUBCONTRACTORS" and the following wording is substituted in lieu thereof: "LIST OF TESTS, INSPECTIONS AND REPORTS".
3. Item III B, the following wording is deleted: "Owner will designate a representative who shall have authority to transmit instructions, receive notices and information, and enunciate the Owner's policies and decisions. The Owner's representative shall be WALLY HANSEN, INFRASTRUCTURE AND CAPITAL PROJECTS MANAGER" and the following wording is substituted in lieu thereof: "Owner will designate a representative who shall have authority to transmit instructions, receive notices and information, and enunciate the Owner's policies and decisions. The designation of Owner's representative shall be done in writing from the City Manager."

4. Item III I-1 is hereby amended with by the addition of the following wording: "As of the newly issued Notice to Proceed date of _____, with the addition of the ITS facility and the increase in project budget, there is no increase in the already established professional fee of ONE MILLION NINE HUNDRED SIXTY FOUR THOUSAND NINETY DOLLARS (\$1,964,090.00).
5. Exhibit 1: SCOPE OF WORK, Item 1.1.3 is hereby amended as follows, "The Owner's budget for the construction cost of the work, as defined in Article 12.1, is \$22,300,000."
6. Exhibit 1: SCOPE OF WORK, Item 1.1.4 is hereby amended as follows, "The revised Project Schedule is attached as Exhibit "B" to this Amendment and is based on the new Notice to Proceed date issued by Owner."
7. Exhibit 1 : SCOPE OF WORK, Item 3.1.1, the following wording is deleted: "In addition to the usual and customary civil engineering services, the Architect's basic services shall include the demolition design of the existing Police and Fire Department Building, and the Bojangles restaurant site" and the following wording is substituted in lieu thereof: "In addition to the usual and customary civil engineering services, the Architect's basic services shall include the demolition design of the existing Police and Fire Department Building."
8. Exhibit 1: SCOPE OF WORK, Item 3.5.1, the following wording is deleted: "General-The Architect shall assist the Owner in establishing a list of prospective contractors. Following the Owner's approval of the Construction Documents, the Architect shall assist the Owner in (1) obtaining competitive bids, (2) confirming responsiveness of bids, (3) determining the successful bid, if any and, (4) awarding and preparing contracts for construction" and the following wording is substituted in lieu thereof: "The Architect shall assist the Owner in the Pre-Qualification of a minimum of three (3) prospective Contractors including but not limited to the creation of Pre-Qualification documents and the review of submittals from said prospective Contractors."
9. Exhibit 1: SCOPE OF WORK, Item 3.6 is hereby amended with the addition of 3.6.1.4, "The City has the option of providing a project observer who will document events at the site on behalf of the City through photography, onsite presence and written communication which will be provided to the Architect, but will in no way have the authority to give direction to the Contractor or Architect"
10. Exhibit 1: SCOPE OF WORK, Item 4.1 is hereby amended as follows, "The Architect shall provide security design services for the Project, including the follow security needs assessment."

11. Exhibit 1: SCOPE OF WORK, Item 5.1 is hereby amended as follows, “The Architect shall provide information technology design for the Project, including the following:”
12. Exhibit 1: SCOPE OF WORK, Item 7.1 is hereby amended as follows, “The Architect shall perform geotechnical investigation of the Project site, inclusive of borings, seismicity/liquefaction field work, analysis, storm water development and design, and provide a report to the Owner.”
13. Exhibit 1: SCOPE OF WORK, Item 8.1, the following wording is deleted; “The Architect, through HNTB North Carolina, shall perform a Traffic Impact Analysis of the Court Street realignment with Marine Boulevard” and the following wording is substituted in lieu thereof: “ The City , through HNTB North Carolina, shall provide a Traffic Impact Analysis of the Court Street realignment with Marine Boulevard and make available said report to the Architect.”
14. Exhibit 1: SCOPE OF WORK, Article 10-FIXTURES, FURNISHINGS AND EQUIPMENT DESIGN is hereby amended as follows, “The detailed scope of furniture, fixtures, and equipment design is unknown at this time; however, the Owner has the option of engaging the Architect to provide specialized interior design services for the planning, procurement, and installation of Fixtures, Furnishings and Equipment (FF&E) per the fee schedule listed in Article 14.”.
15. Exhibit 1 : SCOPE OF WORK, item 14.1.10 is hereby amended as follows,

“Furniture, Fixtures and Equipment design as described in Article 10 (Optional) Not to exceed \$110,000”
16. Exhibit 1 : SCOPE OF WORK, item 14.4 the following wording is deleted: “Where compensation for Basic Services under Article 3 is based on a stipulated sum, the compensation for each phase of services shall be as follows:

.1 Schematic Design Phase	fifteen percent	(15%)
.2 Design Development Phase	twenty percent	(20%)
.3 Construction Documents Phase	twenty-five percent	(30%)
.4 Bidding Phase	five percent	(4%)
.5 Construction Phase	thirty-three percent	(30%)
.6 Post Construction Phase	two percent	(1%)
.7 Total Basic Compensation	one hundred percent	(100%)

And the following wording is substituted in lieu thereof: "Where compensation for Basic Services under Article 3 is based on a stipulated sum, the compensation for each phase of services shall be as follows:

.1 Schematic Design Phase	fifteen percent	(15%)
.2 Design Development Phase	twenty percent	(20%)
.3 Construction Documents Phase	thirty percent	(30%)
.4 Bidding Phase	four percent	(4%)
.5 Construction Phase	thirty percent	(30%)
.6 Post Construction Phase	one percent	(1%)
.7 Total Basic Compensation	one hundred percent	(100%)

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals, this the _____ day of _____, 2011.

City of Jacksonville

_____)
Richard L. Woodruff, City Manager

WITNESS:

City Clerk

Gantt Huberman Architects, PLLC

Partner

WITNESS

CERTIFICATE OF CITY'S ATTORNEY

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached Amendment for the **Design of the Public Safety Complex** between the City of Jacksonville and **GANTT HUBERMAN ARCHITECTS, PLLC.** and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

Signature

Date

APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Account # _____

Signature

Date

Dollar amount of contract _____

EXHIBIT "A"

AGREEMENT FOR ARCHITECTURAL SERVICES FOR DESIGN OF THE PUBLIC SAFETY COMPLEX CITY OF JACKSONVILLE, N.C.

This AGREEMENT, made this 29th day of June, 2009 by and between GANTT HUBERMAN ARCHITECTS, PLLC (hereinafter called the ARCHITECT) and the City of Jacksonville, North Carolina (hereinafter called the OWNER) sets forth the requirements, conditions, covenants, and considerations of an AGREEMENT to provide professional ARCHITECTURAL services for the DESIGN OF THE PUBLIC SAFETY COMPLEX (hereinafter called the PROJECT) as described in EXHIBIT 1 – Scope of Work, which is attached hereto and made a part of this AGREEMENT.

I. SCOPE OF WORK/EXHIBIT 1

The SCOPE OF WORK consists of performing professional ARCHITECTURAL services relating to PROJECT, serving as OWNER'S professional ARCHITECT representative in connection therewith, providing professional consultation and advice, and performing the services relating to PROJECT as set forth in EXHIBIT 1 – Scope of Work.

II. ARCHITECT'S RESPONSIBILITIES

A. PROJECT TASKS:

The ARCHITECT will perform PROFESSIONAL SERVICES as set out in the EXHIBIT 1 – Scope of Work upon receipt of a fully executed original counterpart of this AGREEMENT, and receipt of a signed purchase order from the OWNER covering the work.

B. TIME SCHEDULE:

Services shall be performed as expeditiously as is consistent with professional skill and care and with the orderly process of the Project. The ARCHITECT agrees to complete the performance of its services under the Scope of Work not later than thirty-six (36) months from the OWNER'S Notice to Proceed. Before the ARCHITECT submits the first invoice for professional services to the OWNER, the ARCHITECT shall prepare for the OWNER'S review and approval a comprehensive schedule of the performance of the ARCHITECT'S services and those of the subcontractors. This schedule shall indicate dates of or periods of elapsed time allowed for OWNER approvals, dates when specific information is required by the ARCHITECT from the OWNER, and anticipated approval periods required for public authorities having jurisdiction over the Project. Once submitted by the ARCHITECT, the ARCHITECT and his subcontractors will be bound by that schedule and will not deviate from it without prior written authorization from the OWNER. Whether or not deviations from the schedule have been authorized by the OWNER, the ARCHITECT shall update this schedule as

necessary to reflect **OWNER** approved changes or unavoidable deviations and to indicate the probable impact of those deviations on the performance of the **ARCHITECT'S** services and the Project. Nothing in this subparagraph shall be construed as a waiver of the **OWNER'S** right to obtain full compliance by the **ARCHITECT** to **OWNER** approved schedules.

C. ASSIGNMENT/TRANSFER:

The **ARCHITECT** shall not assign or transfer any interest or responsibilities in this **AGREEMENT** without the written consent of the **OWNER**.

D. INSURANCE:

1. The **ARCHITECT** shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting there from negligent acts; errors and omissions; and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders, as well as insurance required by **OWNER** as set forth in EXHIBIT 3 – Insurance Requirements. Certificates indicating that all such insurances are in effect will be provided to **OWNER** by **ARCHITECT**.
2. Such policies (other than Worker's Compensation and **ARCHITECT'S** professional liability insurance) shall name **OWNER**, as additional insureds. Such policies shall provide that they may not be cancelled or modified (and that any expiration, cancellation or modification shall be of no force or effect) without thirty (30) days prior written notice to each Insured Party by certified, registered or express mail, and shall require the insurance carrier to defend any suit or proceeding against any Insured Party arising out of any claim covered thereby, even if such claim is groundless, false or fraudulent.
3. All such insurance shall be in form and substance satisfactory to **OWNER**, and shall be maintained with responsible insurance carriers licensed to do business in the State of North Carolina. Simultaneously with the execution hereof, the **ARCHITECT** has deposited with **OWNER** certificates of its insurance policies, if required by **OWNER**, and certificates of insurance and all applicable endorsements evidencing the insurance coverage required hereunder. Hereafter, certifications of renewal shall be deposited with **OWNER** not less than five (5) days before the scheduled date of expiration.
4. All insurance required to be maintained hereunder (other than professional liability insurance), must provide coverage on an "occurrence" basis. Professional Liability Insurance may be maintained on a "claims made" basis.
5. The **OWNER** shall require that each of its subcontractors for this Project carry insurance coverage, and agree to the indemnity and hold harmless provisions of this **AGREEMENT**. Before entering into any agreement with any **ARCHITECT**, the **OWNER** shall ascertain **ARCHITECT'S** insurance requirements and shall cause the **ARCHITECT** to provide **OWNER** with a certificate of insurance, and copies of the policies if requested by **OWNER**, evidencing insurance coverage in compliance with such requirements detailed in EXHIBIT 3 – Insurance Requirements. (The **OWNER** shall be named as **ADDITIONAL INSURED**

in all applicable policies.)

6. The **ARCHITECT** shall require the same insurance from any subcontractor as is required of the **ARCHITECT** by the **OWNER**. The **ARCHITECT** shall not allow any subcontractor to commence work on his/her subcontract until all insurance required of the subcontractor has been so obtained and approved by the Owner.
7. The provisions of Section D - INSURANCE shall survive the expiration or termination of this **AGREEMENT**.

E. STANDARD OF CARE AND INDEMNIFICATION:

1. **ARCHITECT** shall exercise reasonable care and skill as might be expected from similarly situated professionals performing services of the kind required under this **AGREEMENT** at the time and the place where the services are rendered. The staff of and subcontracts engaged by the **ARCHITECT** shall possess the experience, knowledge and character necessary to qualify them to perform the particular duties to which they are assigned.
2. **ARCHITECT** agrees to indemnify and hold the **OWNER**, its officers, employees and agents free and harmless from and against any losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities in connection with or arising out of this **AGREEMENT** and/or the performance hereof that are due to the negligent acts of the **ARCHITECT**, its officers, employees, or agents.
3. The **ARCHITECT** agrees to provide professional services that reflect the customary and accepted standards of professional care. If changes in schedule are requested by the **OWNER** or otherwise develop during the course of the **PROJECT** that would require the **ARCHITECT** to perform with a lesser standard of care in order to meet the schedule, it is the sole responsibility of the **ARCHITECT** to notify the **OWNER** in advance in writing that such deviation will be required and to provide the **OWNER** the specific basis for that opinion. The **ARCHITECT** shall not deviate to a lesser standard of care in the absence of express written authorization by the **OWNER**. This paragraph shall not be construed to authorize performance by the **ARCHITECT** at a standard of care that is less than that which is required by law or which is expected of **ARCHITECT'S** practicing under similar circumstances and conditions.

F. ERRORS/DEFICIENCIES:

ARCHITECT shall, without additional compensation, revise any materials prepared under this **AGREEMENT** if it is determined that the **ARCHITECT** is responsible for any negligent errors or deficiencies.

G. ACCURACY OF WORK:

To the best of the Architect's belief and information and based upon accepted Architectural practices and industry standards, the **ARCHITECT** shall conform to federal, state, and local laws and regulations governing the **PROJECT** and the Work. The **ARCHITECT** agrees and acknowledges that this duty is non-delegable and the **ARCHITECT**, by signing drawings or preparing drawings to submit for purposes of building permits shall be deemed to certify that it has

taken every reasonable measure to ascertain applicable laws and regulations relative to the **PROJECT**.

H. RECORDS/DOCUMENTS:

ARCHITECT shall maintain all records, documents, notes, and financial information related to performance of this work in accordance with generally accepted accounting principles and practices and shall provide the **OWNER** access to this information if requested.

I. NON-DISCRIMINATION:

ARCHITECT agrees not to discriminate against any employee or prospective employee because of race, religion, sex, color, age, or national origin.

J. IDENTIFICATION OF SUBCONTRACTORS:

Upon the **ARCHITECT'S** completion of 75% of the Construction Specifications, the **ARCHITECT** shall provide to the **OWNER** for the **OWNER'S** approval a list of all tests, inspections, or reports that are required in the Contract Documents, including, but not limited to, those provided by the **ARCHITECT** under the Scope of Work. This list must designate the party responsible for the engagement of and payment to providers of those services. Where the **OWNER** is to engage the provider, the **ARCHITECT** shall at the request of the owner as part of the Scope of Work, solicit competitive price proposals from reputable and licensed providers of those services, for the purposes of the **OWNER'S** engagement of such a provider. However, to the extent that testing or surveying services are necessary as a result of negligence or inconsistencies in the Contract Documents or in the negligent performance of services by the **ARCHITECT**, the **ARCHITECT** shall engage such providers and pay the costs thereof. Where any such remedial services are performed by providers already engaged by the **OWNER**, any fees paid to the provider by the **OWNER** for such services shall be deducted from the first payment subsequently due to the **ARCHITECT**.

K. REQUESTS FOR INFORMATION FROM CONTRACTOR:

The **ARCHITECT** shall require the Contractor to submit written Requests for Information and shall acknowledge receipt of each Contractor generated Request for Information within five days after receiving it. The **ARCHITECT** shall simultaneously issue a written responsive answer to the Contractor and to the **OWNER** for each Request for Information with the promptness necessary to avoid unnecessary delay or cost, but in no case more than ten days after the Request for Information is received by the **ARCHITECT**.

The **ARCHITECT** shall analyze written change order requests by the Contractor, including requests for adjustments to the contract sum or time, and shall report the results of the analysis to the **OWNER** within a reasonable time, but in no case later than ten days after the **ARCHITECT'S** receipt of the request.

The **ARCHITECT** shall give prompt written notice to the **OWNER** if and when the **ARCHITECT** becomes aware of any fault, defect, error, omission, or inconsistency in the **PROJECT** or in the contract documents.

L. FEE FOR PROFESSIONAL SERVICE

The **ARCHITECT** agrees that the fee for his professional services is adequate and sufficient consideration for his provision of all of the professional services necessary for his complete performance of the Scope of Work whether or not those services are individually expressed in this Agreement.

III. OWNER RESPONSIBILITIES

A. INFORMATION:

OWNER will provide adequate information concerning **PROJECT** requirements, will provide other available pertinent information relating to the **PROJECT**, will provide adequate opportunities for consultation, will provide timely review of plans and documents, and will render decisions resulting there from in writing.

B. OWNER'S REPRESENTATIVE:

OWNER will designate a representative who shall have authority to transmit instructions, receive notices and information, and enunciate the **OWNER'S** policies and decisions. The **OWNER'S** representative shall be **WALLY HANSEN, INFRASTRUCTURE AND CAPITAL PROJECTS MANAGER.**

C. MEETINGS:

OWNER will arrange for and hold promptly any necessary meeting. This shall include the provision of meeting facilities when appropriate and the serving of all required public or private notices, unless otherwise determined in EXHIBIT 1 - Scope of Work.

D. ACCESS:

OWNER will provide access to and obtain permission for the **ARCHITECT** to enter upon public or private lands as necessary for the **ARCHITECT** to perform surveys, observations or other necessary functions.

E. RESPONSE TO ARCHITECT'S REQUESTS:

OWNER will respond within a reasonable time to the **ARCHITECT'S** requests for written decisions or determinations pertaining to the subject of the **ARCHITECT'S** services so as not to delay the performance of those services.

F. WRITTEN NOTICE:

OWNER will give prompt written notice to the **ARCHITECT** whenever the **OWNER** becomes aware of any event, occurrence, condition, or circumstance, which may substantially affect the **ARCHITECT'S** performance of its services under this **AGREEMENT**.

G. OTHER ACTIONS:

OWNER will take all municipal, corporate or other action as appropriate to authorize, finance and carry out this **AGREEMENT** and to ensure that this **AGREEMENT** constitutes a valid and binding **AGREEMENT** of the **OWNER**.

H. PERMITS AND APPROVALS:

OWNER will request approval and permits from all governmental authorities having jurisdiction over the Scope of Work (**PROJECT**) and such approvals and consents from others as may be necessary for completion of the **PROJECT**.

I. COMPENSATION:

1. Basic Services:

OWNER will pay **ARCHITECT** for performing the professional services enumerated in the Exhibit 1 - Scope of Work, an amount not to exceed **ONE MILLION NINE HUNDRED SIXTY FOUR THOUSAND NINETY DOLLARS (\$1,964,090.00)**.

The **ARCHITECT** agrees that, if the lowest bona fide bid or negotiated price for the entire scope of work varies more than five percent (5%) from the **ARCHITECT'S** estimate of the cost of the work, the **OWNER** may elect to require the **ARCHITECT** to perform at no cost to the **OWNER** all services necessary (and to waive the right of reimbursement for all reimbursable costs related to that performance) to modify the documents to indicate a design that is approved by the **OWNER** and that conforms to the approved cost of the work.

The Owner agrees that if the Project construction cost while in the programming or design phases is increased by ten percent (10%) or more by the Owner, then the Architect's fee for basic services shall be adjusted as mutually agreed upon.

2. Additional Services:

Any additional professional services related to but not within the EXHIBIT 1 – Scope of Work will be performed by the **ARCHITECT** upon prior written request (See EXHIBIT 4 – Change Order Form) of **OWNER** and for an additional professional fee as the **OWNER** and **ARCHITECT** may agree.

Additional Services and/or Contingent Additional Services are not included in the Architect's Scope of Work, but the Architect may believe it necessary to perform them due to circumstances beyond the Architect's control. In that event, the Architect shall, as a condition precedent, provide written notice to the Owner prior to commencing such services. If the Owner deems that such services are not required, the Owner shall provide written notice of this determination to the Architect. If the Owner so indicates, the Architect has no obligation to perform such services and shall not be entitled to any additional compensation for doing so.

3. Payment of Invoices:

Invoices are due and payable within 30 days of receipt and approval by OWNER.

4. Disputed Invoices:

In the event of a disputed or contested invoice, the Owner shall immediately notify the Architect. Only that portion so contested will be withheld from payment, and the undisputed

portion will be paid.

IV. GENERAL PROVISIONS

A. OWNERSHIP OF DOCUMENTS:

The products of this **AGREEMENT** shall be the property of the **OWNER**. Upon completion or other termination of this **AGREEMENT**, the **ARCHITECT** will deliver to the **OWNER** reproducible copies of any text and graphic materials pertaining to this **AGREEMENT**. The **ARCHITECT** will also make available any calculations pertaining to this **AGREEMENT** and provide copies of specific calculations upon request by **OWNER**. No reports, information, or materials prepared by the **ARCHITECT** under this **AGREEMENT** shall be made available to any person or organization without the prior written approval of the **OWNER**.

B. COPYRIGHTS:

The **ARCHITECT** hereby assigns to the **OWNER**, without reservation, all copyrights to all project related drawings, specifications, documents, models, photographs, and other work product of the **ARCHITECT**. The **OWNER'S** obligation to pay the **ARCHITECT** is expressly conditioned upon the **ARCHITECT'S** obtaining a valid written comprehensive assignment of copyrights from his Consultants in terms identical to those that obligate the **ARCHITECT** to the **OWNER** as expressed in this subparagraph, which copyrights the **ARCHITECT**, in turn, hereby assigns to the **OWNER**. The **OWNER**, in return, hereby grants the **ARCHITECT** a nonexclusive license to reproduce all such material for purposes relating directly to the **ARCHITECT'S** performance of this **PROJECT**, his records, and his marketing. This license shall not be assigned by the **ARCHITECT** and is terminated automatically upon any assignment or attempt to assign it. The license also shall terminate upon a breach of this Agreement by the **ARCHITECT**.

C. REUSE OF DOCUMENTS:

1. The documents prepared by **ARCHITECT** pursuant to this **AGREEMENT** are not intended or represented to be suitable for reuse by **OWNER** or others on extensions of this or any other project. Any reuse without written verification or adaptation by **ARCHITECT** for the specific purpose intended will be at **OWNER'S** sole risk and without liability or legal exposure to **ARCHITECT**; and **OWNER** shall indemnify and hold harmless **ARCHITECT** from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting there from. Any such verification or adaptation by **ARCHITECT** will entitle **ARCHITECT** to further compensation at rates to be agreed upon by **OWNER** and **ARCHITECT**.
2. Copies of **OWNER**-furnished data that may be relied upon by **ARCHITECT** are limited to the printed copies (also known as hard copies) that are delivered to the **ARCHITECT**. Files in electronic media format of text, data, graphics, or of other types that are furnished by **OWNER** to **ARCHITECT** are only for convenience of **ARCHITECT**. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk.
3. Copies of Documents that may be relied upon by **OWNER** are limited to the printed copies (also known as hard copies) that are signed or sealed by the **ARCHITECT**. Files in electronic media format of text, data, graphics, or of other types that are furnished by **ARCHITECT** to

OWNER are only for convenience of **OWNER**. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk.

4. When transferring documents in electronic media format, **ARCHITECT** makes no representations as to long term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by **ARCHITECT** at the beginning of this **PROJECT**.
3. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

D. PRECEDENCE OF DOCUMENTS:

In all cases where a conflict may exist between the exhibits and the text of this **AGREEMENT**, it shall be resolved in favor of the **AGREEMENT**.

E. TERMINATION:

This **AGREEMENT** may be terminated by either party at will. No termination may be effected unless the other party is given ten (10) days written notice by Certified Mail. Adjustment for any termination shall provide for payment to the **ARCHITECT** for services rendered and expenses incurred reasonably proportionate to the EXHIBIT 1 – Scope of Work for work accomplished prior to the date of notification of termination and including commitments by the **ARCHITECT** which had become firm prior to the date of notification of termination.

F. SUBCONTRACTORS:

Any subcontractor or outside associates required by the **ARCHITECT** in connection with the services covered by this **AGREEMENT** will be limited to such individuals or firms as were specifically identified and agreed to during negotiations, or as are specifically authorized in writing by the **OWNER** during the performance of this **AGREEMENT**. Any substitutions in or additions to such subcontractor or associates will be subject to the prior approval of the **OWNER**.

G. SUCCESSORS AND ASSIGNS:

The **OWNER** and **ARCHITECT** each binds himself and his partners, successors, executors, administrators, and assigns of such other party, in respect to all covenants of this **AGREEMENT**. Except as above, neither **OWNER** nor **ARCHITECT** shall assign, sublet, or transfer his interest in this **AGREEMENT** without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than **OWNER** and **ARCHITECT**.

H. DISPUTE RESOLUTION:

Any dispute arising between or among the Parties listed in this **AGREEMENT**, including without limitation a breach of such **AGREEMENT**, shall be subject to non-binding mediation in accordance with Rules as set forth for Mediated Settlement Conferences in Onslow County Superior Court.

I. SUSPENSION AND DEBARMENT REQUIREMENTS:

The **ARCHITECT** certifies, by submission of this proposal or acceptance of this **AGREEMENT**, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily is excluded from participation in this transaction by any Federal department or agency. The **ARCHITECT** further agrees by submitting this proposal that he/she will include this clause without modification in all lower tier transactions, solicitations, proposals, agreements, contracts, and subcontracts. Where the **ARCHITECT** or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

J. CONTROLLING LAW:

This **AGREEMENT** is to be governed by the laws of the State of North Carolina. Any and all applicable laws, rules, and regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts will be construed pursuant to the laws of the State of North Carolina. All claims and disputes arising from any contract shall be construed pursuant to the laws of the State of North Carolina. The State of North Carolina is the proper jurisdiction for all claims and disputes arising under any contract, and the proper venue is the Onslow County Superior Court.

V. EXECUTION

In witness of the provisions of this **AGREEMENT**, the authorized representatives of the **ARCHITECT** and of the **OWNER** have executed this **AGREEMENT** effective 6/29/09.

OWNER:

CITY OF JACKSONVILLE
NORTH CAROLINA

BY: Ronald Massey 6/25/09

Title: INTERIM CITY MANAGER

Ernest K. Massey
WITNESS:

ARCHITECT:

GANTT HUBERMAN ARCHITECTS, PLLC

[Signature]
BY: Jeffrey A. Huberman, FAIA

Title: Partner

Carolita S. Reid
WITNESS

SEAL



CERTIFICATE OF CITY ATTORNEY

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached AGREEMENT for **DESIGN OF THE PUBLIC SAFETY COMPLEX BY GANTT HUBERMAN ARCHITECTS, PLLC** and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to executed said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

John T. Carter, Jr.

Date

APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Account # 301-5099-463-4501
6F0601

Signature

Dollar Amount of Agreement \$1,964,090.00

Date

EXHIBIT 1
SCOPE OF WORK
(Insert Attachments)

EXHIBIT 1: SCOPE OF WORK

ARTICLE 1 – INITIAL INFORMATION

- 1.1 This Scope of Work is based on the following information.
 - 1.1.1 The Project name and location: Public Safety Complex, Jacksonville, NC.
 - 1.1.2 The Project's physical characteristics: The project site is located at the intersection of Marine Boulevard and Court Street. The new facility will be approximately 90,000 gross square feet and two stories in height.
 - 1.1.3 The Owner's budget for the construction cost of the work, as defined in Article 12.1, is \$20,300,000.
 - 1.1.4 The Owner's project schedule is to be determined. The following are preliminary dates:
 - .1 Notice to Proceed: June 22, 2009.
 - .2 Commencement of Construction: June 22, 2010.
 - .3 Substantial Completion: December 22, 2011.
- 1.2 Project Team
 - 1.2.1 The Architect identifies the following representative authorized to act on behalf of the Architect with respect to the Project: Jeffrey A. Huberman, FAIA, Partner; Gantt Huberman Architects, PLLC.
 - 1.2.2 The Architect will retain the following prime consultants:
 - .1 Civil and Structural Engineers: Bulla Smith Design Engineering; Charlotte, NC
 - .2 Mechanical and Electrical Engineers: McKnight Smith Ward Griffin Engineers; Charlotte, NC
 - .3 Program and Concept Design Architect: Redstone Architects, Inc., Bloomfield, MI
- 1.3 Except with the Owner's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Architect's professional judgment with respect to this Project.

ARTICLE 2 – SCOPE OF PROGRAMMING

- 2.1 The Architect shall consult with the Owner and provide a building program that will identify spaces planned for the building. The building program will include individual room square footages, primary adjacencies, and special requirements.
 - 2.1.1 The City of Jacksonville's "Police and Fire Space Needs Study" will be used for reference.
- 2.2 The site will be evaluated for regulatory constraints such as zoning, use, physical characteristics, and environmental issues.

- 2.3 Sustainable design and LEED certification requirements will be developed, including preliminary review of potential energy and water conservation strategies and site orientation implications.
- 2.4 A preliminary project schedule to identify milestone design and construction delivery dates will be established.
- 2.5 A preliminary project construction cost estimate will be developed based on comparable building costs per square foot of construction.
- 2.6 In addition to meetings with City Staff, the Programming Phase shall include two meetings with City Council; one as a workshop, and one to present the final Programming document.
- 2.7 The Architect shall submit to the Owner for approval a Programming brochure that documents the building space requirements, the project schedule, and the preliminary construction cost estimate.

ARTICLE 3 – SCOPE OF ARCHITECT'S BASIC SERVICE

- 3.1 The Architect's Basic Services include usual and customary landscape, civil, structural, mechanical, and electrical engineering services.
 - 3.1.1 In addition to the usual and customary civil engineering services, the Architect's basic services shall include the demolition design of the existing Police and Fire Department Building and the Bojangles restaurant site.
 - 3.1.2 The Architect shall manage the Architect's services, consult with the Owner, research applicable design criteria, attend Project meetings, communicate with members of the Project team and report progress to the Owner.
 - 3.1.3 The Architect shall coordinate its services with those services provided by the Owner and the Owner's consultants. The Architect shall be entitled to rely on the accuracy and completeness of services and information furnished by the Owner and the Owner's consultants. The Architect shall provide prompt written notice to the Owner if the Architect becomes aware of any error, omission or inconsistency in such services or information.
 - 3.1.4 As soon as practicable after the date of this Agreement, the Architect shall submit for the Owner's approval a schedule for the performance of the Architect's services in accordance with paragraph II.B of the Agreement. Thereafter, changes in the time schedule shall be governed by paragraph II.B of the Agreement.
 - 3.1.5 The Architect shall not be responsible for an Owner's directive or substitution made without the Architect's approval.
 - 3.1.6 The Architect shall, at appropriate times, contact the governmental authorities required to approve the Construction Documents and the entities providing utility services to the Project. In designing the Project, the Architect shall respond to applicable design requirements imposed by such governmental authorities and by such entities providing utility services.
 - 3.1.7 The Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

3.2 SCHEMATIC DESIGN PHASE SERVICES

- 3.2.1 The Architect shall review information furnished by the Owner, and shall review laws, codes, and regulations applicable to the Architect's services.
- 3.2.2 The Architect shall update the Programming phase brochure information regarding the Owner's requirements, schedule, and budget for the Cost of the Work. This update shall be incorporated into a preliminary evaluation that addresses the proposed procurement or delivery method and other Initial Information, each in terms of the other, to ascertain the requirements of the Project. The Architect shall notify the Owner of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed for the Project.
- 3.2.3 The Architect shall present its preliminary evaluation to the Owner and shall discuss with the Owner alternative approaches to design and construction of the Project, including the feasibility of incorporating environmentally responsible design approaches. The Architect shall reach an understanding with the Owner regarding the requirements of the Project.
- 3.2.4 Based on the Project's requirements agreed upon with the Owner, the Architect shall prepare and present for the Owner's approval a preliminary design illustrating the scale and relationship of the Project components.
- 3.2.5 Based on the Owner's approval of the preliminary design, the Architect shall prepare Schematic Design Documents for the Owner's approval. The Schematic Design Documents shall consist of drawings and other documents including a site plan and preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital modeling. Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing.
 - 3.2.5.1. The Architect shall consider environmentally responsible design alternatives, such as material choices and building orientation, together with other considerations based on program and aesthetics, in developing a design that is consistent with the Owner's program, schedule and budget for the Cost of the Work.
 - 3.2.5.2. The Architect shall consider the value of alternative materials, building systems and equipment, together with other considerations based on program and aesthetics in developing a design for the Project that is consistent with the Owner's program, schedule and budget for the Cost of the Work.
- 3.2.6 The Architect shall submit to the Owner an estimate of the Cost of the Work prepared in accordance with Section 12.3.
- 3.2.7 The Architect shall submit the Schematic Design Documents to the Owner, and request the Owner's approval.

3.3 DESIGN DEVELOPMENT PHASE SERVICES

- 3.3.1 Based on the Owner's approval of the Schematic Design Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Design Development Documents for the Owner's approval. The Design Development Documents shall illustrate by means of drawings and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems to fix and describe the size and character of the Project as to architectural, civil, structural, mechanical and electrical systems, and such other elements

as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.

3.3.2 The Architect shall update the estimate of the Cost of the Work.

3.3.3 The Architect shall submit the Design Development documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, and request the Owner's approval.

3.4 CONSTRUCTION DOCUMENTS PHASE SERVICES

3.4.1 Based on the Owner's approval of the Design Development Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Construction Documents for the Owner's approval. The Construction Documents shall illustrate by means of drawings and describe the further development of the approved Design Development Documents and shall consist of Drawings and Specifications setting forth in detail the quality levels of materials and systems and other requirements for the construction of the Work.

3.4.2 The Architect shall incorporate into the Construction Documents the design requirements of governmental authorities having jurisdiction over the Project.

3.4.3 The Architect shall obtain on behalf of the Owner all regulatory approvals, permits and authorizations necessary for construction of the project exclusive of building permits to be obtained by the Contractor during the Construction Phase.

3.4.4 During the development of the Construction Documents, the Architect shall assist the Owner in the development and preparation of (1) bidding and procurement information that describes the time, place and conditions of bidding, including bidding or proposal forms; (2) the form of agreement between the Owner and Contractor; and (3) the Conditions of the Contract for Construction (General, Supplementary and other Conditions). The Architect shall also compile a project manual that includes the Conditions of the Contract for Construction and Specifications and may include bidding requirements and sample forms.

3.4.5 The Architect shall update the estimate for the Cost of the Work.

3.4.6 The Architect shall submit the Construction Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required under Section 10.5, and request the Owner's approval.

3.5 BIDDING PHASE SERVICES

3.5.1 General - The Architect shall assist the Owner in establishing a list of prospective contractors. Following the Owner's approval of the Construction Documents, the Architect shall assist the Owner in (1) obtaining competitive bids; (2) confirming responsiveness of bids; (3) determining the successful bid, if any; and, (4) awarding and preparing contracts for construction.

3.5.2 Competitive Bidding

3.5.2.1 Bidding Documents shall consist of bidding requirements and proposed Contract Documents.

3.5.2.2 The Architect shall assist the Owner in bidding the Project by:

- .1 assembling the Project Manual using standard bidding and contract documents supplied by the Owner and the Architect's specifications for the project;

- .2 reproducing Bidding Documents for distribution to prospective bidders;
- .3 distributing the Bidding Documents to prospective bidders, requesting their return upon completion of the bidding process (if applicable), and maintaining a log of distribution and retrieval and of the amounts of deposits, if any, received from and returned to prospective bidders;
- .4 organizing and conducting a pre-bid conference for prospective bidders;
- .5 preparing responses to questions from prospective bidders and providing clarifications and interpretations of the Bidding Documents to all prospective bidders in the form of addenda; and
- .6 organizing and conducting the opening of the bids, and subsequently documenting and distributing the bidding results, as directed by the Owner.

3.6 CONSTRUCTION PHASE SERVICES

3.6.1 General

3.6.1.1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth below.

3.6.1.2 The Architect shall advise and consult with the Owner during the Construction Phase Services. The Architect shall have authority to act on behalf of the Owner only to the extent provided in the Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the Architect be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.

3.6.1.3 The Architect's responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates upon written final acceptance by the Owner..

3.6.2 EVALUATIONS OF THE WORK

3.6.2.1 The Architect shall visit the Project site at least weekly and at additional times appropriate to the stage of construction. As part of the on-site visits, the Architect shall become familiar in detail with the progress and quality of the work completed and determine in detail if the work is being performed in a manner indicating that the work, when completed, shall be in accordance with all the requirements of the Construction Contract Documents and all applicable laws, statutes, ordinances, codes, rules, regulations, orders and decrees. The Architect shall exercise the utmost care and diligence in discovering and promptly reporting to the City any defects or deficiencies in the work of the Contractor or any subcontractors, or their respective agents or employees, or any other person performing any of the work in the construction of the Project. In addition, the Architect shall keep the City informed of the progress and the quality of the work by the submission of written progress reports.

3.6.2.2 Any defective designs or specifications furnished by the Architect and any failure of any services performed by the Architect to comply with any requirements set forth in this Contract shall be promptly corrected by the Architect at no cost to the City. The City's approval, acceptance, use of, or payment for all or any part of the Architect's services or of the Project itself shall in no way alter the Architect's obligations or the City's rights under this Contract.

- 3.6.2.3 The Architect has the authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable for the implementation of the intent of the Construction Contract Documents, the Architect shall have the responsibility to require additional inspection or testing of the work in accordance with the provisions of the Construction Contract Documents, whether or not such work is fabricated, installed or completed. However, the Architect shall obtain the Owner's prior written consent of any such additional inspection or testing.
- 3.6.2.4 The Architect shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect's response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.
- 3.6.2.5 Interpretations and decisions of the Architect shall be consistent with the intent of and reasonably inferable from the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and decisions, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions rendered in good faith. The Architect's decisions on matters relating to aesthetic effect shall be final if consistent with the intent expressed in the Contract Documents.
- 3.6.2.6 Unless the Owner and Contractor designate another person to serve as an Initial Decision Maker, the Architect shall render initial decisions on Claims between the Owner and Contractor as provided in the Contract Documents.

3.6.3 CERTIFICATES FOR PAYMENT TO CONTRACTOR

- 3.6.3.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts within five (5) working days of receipt of a complete Application for Payment. The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Section 3.6.2 and on the data comprising the Contractor's Application for Payment, that, the Work has progressed to the point indicated and that the quality of the Work is in accordance with the Contract Documents. The foregoing representations are subject (1) to correction of minor deviations from the Contract Documents prior to completion, and (2) to specific qualifications expressed by the Architect.
- 3.6.3.2 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) reviewed construction means, methods, techniques, sequences or procedures, (2) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (3) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.
- 3.6.3.3 The Architect shall maintain a record of the Applications and Certificates for Payment.

3.6.4 SUBMITTALS

- 3.6.4.1 The Architect shall review the Contractor's submittal schedule and shall not unreasonably delay or withhold approval. The Architect's action in reviewing submittals shall be taken in accordance with the approved submittal schedule or, in the absence of an approved submittal schedule, with reasonable promptness while allowing sufficient time in the Architect's professional judgment to permit adequate review.
- 3.6.4.2 In accordance with the Architect-approved submittal schedule, the Architect shall review and approve or take other appropriate action upon the Contractor's submittals such as Shop

Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by the Architect, of any construction means, methods, techniques, sequences or procedures. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component.

3.6.4.3 If the Contract Documents specifically require the Contractor to provide professional design services or certifications by a design professional related to systems, materials or equipment, the Architect shall specify the appropriate performance and design criteria that such services must satisfy. The Architect shall review shop drawings and other submittals related to the Work designed or certified by the design professional retained by the Contractor that bear such professional's seal and signature when submitted to the Architect. The Architect shall be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications and approvals performed or provided by such design professionals only after the Architect is satisfied that the professionals retained by the Contractor are qualified to render designs or certifications related to the Work.

3.6.4.4 The Architect shall review and respond to requests for information about the Contract Documents. The Architect shall set forth in the Contract Documents the requirements for requests for information. Requests for information shall include, at a minimum, a detailed written statement that indicates the specific Drawings or Specifications in need of clarification and the nature of the clarification requested. The Architect's response to such requests shall be made in writing within the time limits stated in II.K of the Agreement. If appropriate, the Architect shall prepare and issue supplemental Drawings and Specifications in response to requests for information.

3.6.4.5 The Architect shall maintain a record of submittals and copies of submittals supplied by the Contractor in accordance with the requirements of the Contract Documents.

3.6.5 CHANGES IN THE WORK

3.6.5.1 The Architect may authorize minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract Time. The Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.

3.6.5.2 The Architect shall maintain complete records relative to changes in the Work.

3.6.6 PROJECT COMPLETION

3.6.6.1 The Architect shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion; issue Certificates of Substantial Completion; receive from the Contractor and forward to the Owner, for the Owner's review and records, written warranties and related documents required by the Contract Documents and assembled by the Contractor; and issue a final Certificate for Payment based upon a final inspection indicating the Work complies with the requirements of the Contract Documents.

3.6.6.2 The Architect's inspections shall be conducted with the Owner to check conformance of the Work with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor of Work to be completed or corrected.

3.6.6.3 When the Work is found to be substantially complete, the Architect shall inform the Owner about the balance of the Contract Sum remaining to be paid the Contractor, including the amount to be retained from the Contract Sum, if any, for final completion or correction of the Work.

3.6.6.4 The Architect shall forward to the Owner the following information received from the Contractor: (1) consent of surety or sureties, if any, to reduction in or partial release of retainage or the making of final payment; (2) affidavits, receipts, releases and waivers of liens or bonds indemnifying the Owner against liens; and (3) any other documentation required of the Contractor under the Contract Documents.

3.7 POST CONSTRUCTION

3.7.1 Based upon the Contractor's as-built marked-up drawings of the Project, the Architect shall provide one electronic disk of the Record Drawings to the Owner. Files on the disk shall be in a format acceptable to the Owner.

3.7.2 Upon request of the Owner, and prior to the expiration of one year from the date of Substantial Completion, the Architect shall, without additional compensation, conduct a meeting with the Owner to review the facility operations and performance.

ARTICLE 4 – SECURITY CONSULTANT

4.1 The Architect, through Hughes Associates, shall provide security design services for the Project, including the following security needs assessment.

- .1 Conduct onsite visits with Owner to review current and future security related procedures, needs, and concerns.
- .2 Review current existing electronic security systems for future compatibility and functionality.
- .3 Conduct Crime Prevention Through Environmental Design (CPTED) review of proposed site and building plans, and submit report to Owner with recommendations for Owner's review and approval.

4.2 Provide security design and engineering for electronic security, including intercom, duress, intrusion detection, access control, and CCTV surveillance system.

4.3 Conduct site visits during construction to review progress of construction and one visit to witness acceptance testing of the security systems.

ARTICLE 5 – INFORMATION TECHNOLOGY CONSULTANT

5.1 The Architect, though XZact Technologies, Inc., shall provide information technology design for the Project, including the following:

- .1 Conduct onsite visits with Owner to review current information technology and to develop future infrastructure requirements.
- .2 Conduct meetings with Owner to discuss strategy and determine proposed systems that will operate over the uniform cabling system.

5.2 Provide IT systems design and construction documents for the Project, including defining wiring, distribution frames, main cable entry, and telephone closets.

- 5.3 Assist in the bid phase for the IT system, provide evaluations, and recommend cable vendor to Owner.
- 5.4 Visit the project site on a monthly basis to review construction progress of the IT system.

ARTICLE 6 – SUSTAINABLE DESIGN AND LEED CERTIFICATION

- 6.1 The goal of the Project is LEED Silver certification. Toward that goal, the Architect shall provide the following:
 - .1 Register the project with the US Green Building Council (USGBC).
 - .2 Conduct a LEED Charrette with Owner to develop sustainable goals and strategies for the Project. Determine version of LEED most favorable to Project. Develop preliminary LEED checklist.
 - .3 Conduct a LEED Review Meeting at each Project phase to evaluate and adjust sustainable project goals. Update LEED checklist at each phase.
 - .4 Provide Fundamental Commissioning services as required by LEED (EAp1) to achieve LEED certification.
 - .5 Provide the following services as part of design and potential LEED certification, as determined jointly with the Owner.
 - a. Enhanced commissioning services (EAc3).
 - b. Indoor air quality testing (EQc3.2).
 - c. Daylight and energy studies (EAc1 and EQc8).
 - .6 Incorporate agreed-upon sustainable/LEED criteria into Contract Documents for bidding and construction.
 - a. Monitor and review LEED submittals throughout Construction phase.
 - b. Provide contractor with LEED tracking tools.
 - c. Review Contractor's monthly LEED reports for compliance with project goals.
 - .7 Prepare and submit LEED Documentation to USGBC for certification review. Respond to USGBC Audit comments. Submit additional documentation, if necessary.

ARTICLE 7 – GEOTECHNICAL INVESTIGATION

- 7.1 The Architect, through WPC, Inc., shall perform a geotechnical investigation of the Project site, inclusive of borings, seismicity/liquefaction field work, analysis, storm water development and design, and provide a report to the Owner.

ARTICLE 8 – COURT STREET REALIGNMENT

- 8.1 The Architect, through HNTB North Carolina, shall perform a Traffic Impact Analysis of the Court Street realignment with Marine Boulevard.
- 8.2 The Architect shall provide signal design for the Court Street realignment.

ARTICLE 9 – SITE SURVEY

- 9.1 The Architect, through Parker & Associates, shall provide a survey consisting of boundary work, existing building and parking locations, curb and gutter and edge of pavement locations, water, sewer, storm drainage and electrical structures, and topography. It will also include off-site locations as required by the City of Jacksonville site plan submittal process.

ARTICLE 10 – FIXTURES, FURNISHINGS AND EQUIPMENT DESIGN

The detailed scope of furniture, fixtures, and equipment design is unknown at this time; however, the Owner desires to engage the Architect to provide specialized interior design services for the planning, procurement, and installation of Fixtures, Furnishings and Equipment (FF&E).

10.2 Schematic FF&E Phase

- 10.2.1 Program of Requirements. The Architect shall review the Program of Requirements (POR), architectural plans, Project schedule and FF&E budget proposed for the Project.
- 10.2.2 FF&E Review. The Architect shall, in conjunction with the Owner, ascertain program revisions, functions, adjacencies, anticipated growth, aesthetic needs or desires and shall verify the completeness of the FF&E requirements. This review includes surveying existing spaces and work methods, documenting file and storage requirements, and verifying all electrical, communication and HVAC requirements for the FF&E.
- 10.2.3 FF&E Statement of Probable Cost. The Architect shall develop a Statement of Probable Cost for all FF&E from the information gathered in items 10.2.1 and 10.2.2. The Statement of Probable Cost shall be submitted to the Owner for review and further direction.
- 10.2.4 FF&E Milestone coordination. The Architect shall develop a time line of the FF&E process coordinated with the Project schedule and projected Construction completion dates. This information shall be submitted to the Owner for review and further direction.
- 10.2.5 Schematic Design Documents. Based on the approved FF&E Program of Requirements, schedule and budget requirements, the Architect shall initiate the development of separate Documents for FF&E planning, coordination and procurement. These documents shall consist of scaled floor plans reflecting all FF&E requirements and Owner functions and FF&E specifications for procurement. The Architect shall maintain the coordination of these documents with other Design/Construction Documents and any revisions to other Design/Construction Drawings and Documents. The Architect shall conduct working sessions with the Owner to verify accuracy of information.
- 10.2.6 Preliminary FF&E Recommendations. The Architect shall prepare and present to the Owner, preliminary selections of FF&E and associated materials for review and approval. The Architect shall recommend FF&E items following Owner standards of quality and with service requirements that match and coordinate with power and communication established for the Project.
- 10.2.7 Working Sessions. Services for this phase shall include up to six (6) working sessions with City Staff and one (1) Council Workshop. The Architect shall obtain approval on the final working session documents prior to proceeding to the next phase.

10.3 Design Development Phase

- 10.3.1 Design Development Documents. The Architect shall further develop the FF&E plans; drawings and recommendations for the Project based on the information gathered in Section 10.2. The Architect shall also further refine finish material and color selections that blend with the character and functions of the Project. The Architect shall revise the plans and drawings as required to obtain Owner approval.
- 10.3.2 Presentations, Mock-ups, Site Tours. The Architect shall coordinate and organize FF&E presentations, mock ups, site tours or combinations of the above or whichever may be necessary for the Owner to make final decisions for FF&E selections.
- 10.3.3 Outline Specifications. The Architect shall develop outline specifications of all new items considered for the Project based on decisions made in items 10.3.1 and 10.3.2. The specifications shall follow Owner standard purchasing format and indicate quantities, room assignments, sizes, options, finish selections and other information necessary for review and final approval by the Owner.
- 10.3.4 Budget Review and Statement of Probable Costs. The Architect shall provide a comparison of the available budget with any refinements to the planning and selections for the Project thus far. This Statement of Probable Costs shall include other applicable costs such as refinishing or refurbishing existing FF&E planned to be reused or required to be reused to meet budget. This document shall be submitted to the Owner for review and further direction.
- 10.3.5 Revisions to FF&E Budget and Project Schedule. Prior to proceeding to the next phase, the Architect shall review final Construction Bids and Awarded Construction Contracts. If Construction Bids and Project Schedule adversely affect the FF&E budget and potential orders, the Architect will schedule a working session with the Owner to decide adjustments required and further directions for the FF&E.
- 10.3.6 Working Sessions. Services for this phase shall include up to eight (8) group working sessions to meet City staff and one (1) City Council work session. The Architect shall obtain signature approval on the final working session documents prior to proceeding to the next phase.

10.4 Contract Documents Phase

- 10.4.1 Contract Documents. Based on the approved budget and plans established in Section 10.3 and any other adjustments in the program or available funding, the Architect shall develop and submit final FF&E Contract Documents for review and approval by the Owner. The documents shall consist of final FF&E drawings (floor plans and other detailed drawings) for the location of new FF&E to be purchased. The final drawings shall also note existing/re-used FF&E that will be relocated by the Owner in a manner that distinguishes these items differently from the purchased (new) items. Final FF&E Specifications shall also be part of the Contract Documents. The specification shall include all information regarding complete product numbers, options, finishes and materials. The specifications shall follow the standard purchasing format as used by the Owner. The Architect shall revise the plans and drawings as required to obtain Owner approval.
- 10.4.2 Final Budget Review of Probable Costs. The Architect shall provide an updated comparison of the available budget with any refinements to the planning and selections for the Project thus far. This Statement of Probable Cost shall include final costs such as refinishing or refurbishing existing FF&E planned to be reused or required to be reused to meet budget. This document shall be submitted to the Owner for review and further direction.
- 10.4.3 Drawings and Specifications. The Architect shall issue final Drawings and Specifications to the Owner in written form and one set in electronic form.

- 10.4.4 Working Sessions. Services for this phase shall include up to four (4) group working sessions to meet City staff. The Associate shall obtain signature approval on the final working session documents prior to proceeding to the next phase.

10.5 Bidding Phase

- 10.5.1 Obtaining Bids. The Architect shall obtain itemized FF&E bids from Vendors utilizing current Owner procurement Contracts for FF&E. The Owner shall provide this information to the Architect for reference and use. The Architect shall verify that all estimates obtained agree with the Specifications and Drawings developed by the Associate and agree with the available budget for FF&E.
- 10.5.2 Bid Documents. The Architect shall prepare any bid documents, issuance of addenda, and assist the Owner in the review of bids for award in the event that the selected FF&E items are not available on Contract. The Owner shall issue bid inquiries to Vendors and receive all Bids for tabulation and review.
- 10.5.3 Document Responsibility. The Architect shall check all Vendor Bids and related submittals for accuracy and completeness and to assure conformity with the drawings and specifications. In addition, the Architect shall be responsible for the completeness and accuracy of the drawings and specifications issued to the Vendor for pricing.
- 10.5.4 Drawings and Specifications. The Architect shall distribute of Drawings and specifications to Vendors and the Owner for record document.
- 10.5.5 Final Budget Review for Purchase Orders. The Architect shall meet with the Owner to review the available budget with submitted Vendor pricing and to obtain final approvals. The Architect shall make revisions necessary to meet the available budget if it is exceeded as directed by the Owner.
- 10.5.6 FF&E Procurement. The Owner shall issue all requisitions for purchase and Purchase Orders to Vendors using the final bids obtained by the Architect.

10.6 Contract Administration and Installation Phase

- 10.6.1 Duration and Extent. The Contract Administration Phase will commence with the Award of FF&E Purchase Orders and will terminate when the Vendor has completed final FF&E punch list items for the Project.
- 10.6.2 Order Tracking and Scheduling. The Architect shall monitor the status of all FF&E orders with each Vendor and shall schedule delivery and installation in accordance with completion of Construction and approved occupancy of the finished areas. The Architect shall meet with Construction Contractor and Owner to coordinate construction completion dates and FF&E delivery and installation dates.
- 10.6.3 Shop Drawings and Submittals. The Architect shall review and approve all shop drawings, sample submittals and other submissions of the Vendor and take appropriate action regarding the shop drawings and submittals promptly to avoid unreasonable delay for orders. One copy of the approved shop drawings shall be given to the Owner for record.
- 10.6.4 Change Orders. The Architect shall advise and consult with the Owner for approval of all items affecting project cost. All Change Orders shall be prepared by the Architect for administration by the Owner.
- 10.6.5 FF&E Accounting. The Architect shall maintain cost records for all FF&E specified and ordered for the Project. The Owner shall have access to these records at all times. In addition, the Owner

shall maintain cost accounting records for the project Purchase Orders that have been placed. The Architect shall have access to these records at all times to review accuracy of Orders, Change Orders and progress checks.

- 10.6.6 Site Visits and Investigation of Conditions. The Architect shall visit the site of the Project at appropriate intervals or at such intervals as the Architect and the Owner agree, to observe details affecting the later installation of FF&E and become familiar with the progress and quality of the work on the Project. The Architect shall communicate and coordinate any conditions and concerns affecting the work with the Owner.
- 10.6.7 Pre-installation Coordination. The Architect and Owner shall conduct a pre-installation meeting with Vendors and Construction Contractor at least three (3) weeks prior to FF&E installation to review schedules, installation procedures, site access and conditions, security and Owner coordination issues.
- 10.6.8 Installation. The Architect shall oversee the FF&E installation process and check for conformance with the Contract Documents. The Architect shall prepare written punch lists showing items that require correction or completion by each Vendor. The Architect shall submit punch lists to the Owner at appropriate intervals during the installation and a final punch list at the completion of installation.
- 10.6.9 Final Installation Inspection. The Architect shall conduct a final close out inspection with the Owner at final installation and prior to User move-in to review punch list completion items or other issues of concern.
- 10.6.10 Vendor Payments. The Owner shall approve all Vendor payments and consult with the Architect as to final completion of orders.

ARTICLE 11 – OWNER'S RESPONSIBILITIES

- 11.1 The Owner's responsibilities are set forth by Part III of the Agreement for Architectural Services.

ARTICLE 12 – COST OF THE WORK

- 12.1 For purposes of this Scope of Work, the Cost of the Work shall be the total cost to the Owner to construct all elements of the Project designed or specified by the Architect and shall include contractors' general conditions costs, overhead and profit. The Cost of the Work does not include the compensation of the Architect, the costs of the land, rights-of-way, financing, contingencies for changes in the Work or other costs that are the responsibility of the Owner.
- 12.2 The Owner's budget for the Cost of the Work is provided in Initial Information, and may be adjusted throughout the Project as required under Sections 12.4 and 12.5. Evaluations of the Owner's budget for the Cost of the Work, the preliminary estimate of the Cost of the Work and updated estimates of the Cost of the Work prepared by the Architect, represent the Architect's judgment as a design professional. It is recognized, however, that neither the Architect nor the Owner has control over the cost of labor, materials or equipment; the Contractor's methods of determining bid prices; or competitive bidding, market or negotiating conditions. Accordingly, the Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Cost of the Work or from any estimate of the Cost of the Work or evaluation prepared or agreed to by the Architect.
- 12.2.1 The Architect agrees that, if the lowest bona fide bid or negotiated price for the entire scope of work varies more than that set forth by III.I. 1 of the Agreement from the Architect's estimate of the cost of work, the Owner may elect to require the Architect to perform at no cost to the Owner all services necessary (and to waive the right of reimbursement for all reimbursable costs related

to that performance) to modify the documents to indicate a design that is approved by the Owner and that conforms to the approved cost of the work.

- 12.3 In preparing estimates of the Cost of Work, the Architect shall be permitted to include contingencies for design, bidding and price escalation; to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents; to make reasonable adjustments in the program and scope of the Project; and to include in the Contract Documents alternate bids as may be necessary to adjust the estimated Cost of the Work to meet the Owner's budget for the Cost of the Work. The Architect's estimate of the Cost of the Work shall be based on current area, volume or similar conceptual estimating techniques.
- 12.4 If the Bidding or Negotiation Phase has not commenced within 90 days after the Architect submits the Construction Documents to the Owner, through no fault of the Architect, the Owner's budget for the Cost of the Work may, at the discretion of the Owner, be adjusted to reflect changes in the general level of prices in the applicable construction market.
- 12.5 If at any time the Architect's estimate of the Cost of the Work exceeds the Owner's budget for the Cost of the Work, the Architect shall make appropriate recommendations to the Owner to adjust the Project's size, quality or budget for the Cost of the Work, and the Owner will cooperate with the Architect to the extent possible in making such adjustments.
- 12.6 If the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall
- .1 give written approval of an increase in the budget for the Cost of the Work;
 - .2 authorize rebidding or renegotiating of the Project within a reasonable time;
 - .3 terminate the project;
 - .4 in consultation with the Architect, revise the Project program, scope, or quality as required to reduce the Cost of the Work; or
 - .5 implement any other mutually acceptable alternative.
- 12.7 If the Owner chooses to proceed under Section 12.6.4, the Architect, without additional compensation, shall modify the Construction Documents as necessary to comply with the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services, or the budget as adjusted under Section 12.6.1.

ARTICLE 13 – ADDITIONAL SERVICES:

13.1 Additional Services listed below are not included in the Scope of Work, but may be required for the Project. Performance of and Compensation for Additional Services shall be governed by III.1.2 of the Agreement.

13.2 Detailed Cost Estimating

13.2.1 The requirement for detailed cost estimating resulting from a construction delivery method other than that previously identified may require detailed cost estimating and meetings between the cost estimating consultants and the Contractor.

13.3 Rezoning of Property

13.4 Off-Site Utility Design

13.5 Environmental Assessment, including Asbestos or Lead-Based Paint testing.

13.6 Site Contamination Mitigation

13.7 Construction Testing during the Construction Phase; however, the Architect shall identify to the Owner during the Construction Documents Phase, construction testing that will be required by the Contractor and by the Owner. Identification of testing requirements shall be provided as part of the Architect's basic services.

13.8 Additional Services may be provided after execution of the Agreement, without invalidating the Agreement. Except for services required due to the fault of the Architect, any Additional Services provided in accordance with this Section 13.10 shall entitle the Architect to additional compensation and an appropriate adjustment in the Architect's schedule.

13.9 Upon recognizing the need to perform the following Additional Services, the Architect shall notify the Owner with reasonable promptness and explain the facts and circumstances giving rise to the need. The Architect shall not proceed to provide the following services until the Architect receives the Owner's written authorization:

- .1 Services necessitated by a change in the Initial Information, previous instructions or approvals given by the Owner, or a material change in the Project including, but not limited to, size, quality, complexity, the Owner's schedule or budget for Cost of the Work, or procurement or delivery method;
- .2 Changing or editing previously prepared Instruments of Service necessitated by the enactment or revision of codes, laws or regulations or official interpretations;
- .3 Services necessitated by decisions of the Owner not rendered in a timely manner or any other failure of performance on the part of the Owner or the Owner's consultants or contractors;
- .4 Preparation of design and documentation for alternate bid or proposal requests proposed by the Owner;
- .5 Preparation for, and attendance at a dispute resolution proceeding or legal proceeding, except where the Architect is party thereto; or
- .6 Consultation concerning replacement of Work resulting from fire or other cause during construction.

13.10 To avoid delay in the Construction Phase, the Architect shall provide the following Additional Services, notify the Owner with reasonable promptness, and explain the facts and circumstances giving rise to the need. If the Owner subsequently determines that all or parts of those services are not required, the Owner shall give prompt written notice to the Architect, and the Owner shall have no obligation to compensate the Architect for those services:

- a. To the extent the Architect's Basic Services are affected, providing Construction Phase Services 60 days after (1) the date of Substantial Completion of the Work or (2) the anticipated date of Substantial Completion identified in the initial Agreement between the Owner and the Contractor, whichever is earlier.

13.11 If the services covered by this Agreement have not been completed within thirty-six (36) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated according to a fair and reasonable stipulated sum determined by the Owner and Architect.

ARTICLE 14 – COMPENSATION

14.1 For the Architect's Services described under Articles 2 through 10, the Owner shall compensate the Architect as follows:

- .1 Programming Phase as described under Article 2.....\$50,000.
- .2 Architect's Basic Services as described under Article 3\$1,350,000.
- .3 Security Consultant as described under Article 4, inclusive of four site visits during design and construction.....\$64,500.
- .4 Information Technology Consultant as described under Article 5, inclusive of eight site visits during design and construction.....\$42,600.
- .5 Sustainable Design and LEED Documentation as described under Article 6
 - a. USGBC Registration Cost.....\$600.
 - b. USGBC Review and Certification Cost.....\$4,050.
 - c. LEED Workshops and USGBC Documentation\$41,000.
 - d. Fundamental Commissioning, (EAp1) (Required for LEED Cert.)\$60,000.
 - e. Enhanced Commissioning (EAc3)\$15,000.
 - f. Indoor Air Quality (EQc3.2).....\$25,000.
 - g. Daylighting / Energy Studies (EAc1 and EQc3).....\$31,400.
- .6 Geotechnical Investigation as described in Article 7
 - a. Geotechnical Investigation.....\$25,000.
 - b. Seismicity / Liquefaction Field Work\$14,000.
 - c. Additional Engineering Analysis.....\$5,000.
 - d. Modified Site Development Options (Storm Water Design).....\$6,000.
- .7 Court Street Realignment as described in Article 8
 - a. TIA Preparation.....\$12,600.
 - b. Signal Design\$5,500.
- .8 Survey as described in Article 9

- a. Survey\$12,840.
- .9 Construction Testing
 - a. Special Inspections / Design Professional in Responsible Charge\$14,000.
(required by NC Building Code)
- .10 Furniture, Fixtures and Equipment Design
as described in Article 10 Not to Exceed \$110,000.
- .11 Allowance for Reimbursable Expenses as described in Article 15\$75,000.
- 14.2 For Additional Services that may arise during the course of the Project, including those under Section 13.1, the Owner and the Architect shall determine fair and reasonable stipulated sum.
- 14.3 Compensation for Additional Services of the Architect's consultants when not included in Section 13.2 or 13.3, shall be the amount invoiced to the Architect plus fifteen percent (15%), or as otherwise stated below:
- 14.4 Where compensation for Basic Services under Article 3 is based on a stipulated sum, the compensation for each phase of services shall be as follows:

.1 Schematic Design Phase	fifteen percent	(15%)
.2 Design Development Phase	twenty percent	(20%)
.3 Construction Documents Phase	twenty-five percent	(30%)
.4 Bidding Phase	five percent	(4%)
.5 Construction Phase	thirty-three percent	(30%)
.6 Post Construction Phase	two percent	(1%)
.7 Total Basic Compensation	one hundred percent	(100 %)
- 14.5 When compensation for Services under Articles 4 through 11 is based on a stipulated sum, the compensation shall be based in a proportion to services performed.

ARTICLE 15 – REIMBURSABLE EXPENSES

- 15.1 The Architect shall include an amount in total fee for reimbursable expenses listed below or as otherwise approved by the Owner. Reimbursable Expenses are for certain actual expenses incurred by the Architect in connection with the Project as follows:
 - .1 Travel Costs: The expense of travel costs incurred by the Architect to travel to Jacksonville, NC and for overnight accommodations shall be at the NC State government rates. Airfare shall be coach class.
 - .2 Delivery Costs: Overnight delivery costs to the Owner.

- .3 Reproduction Costs: Documented reproduction and postage costs of required drawings, specifications, reports, bidding and contract documents, excluding the cost of reproductions for the Architect or consultants own use.
- .4 Payment of Expenses: The Architect shall include a request for reimbursement of expenses with payment applications. This request shall include in an orderly manner, the date and justification of the expense, and additional information like trip destination, reproduced material description, invoice and transmittal. The Owner may request additional documentation of expense.

15.2 The hourly billing rates for services of the Architect are set forth below. The rates shall be adjusted on an annual basis in accordance with the Architect's normal review practices.

2009 Hourly Rate Schedule

<u>Position</u>	<u>Hourly Rate</u>
Partner.....	\$225
Jr. Partner	\$185
Associate.....	\$160
Architect	\$145
Architectural Intern	\$100
Interior Design.....	\$125
Clerical	\$75

The above rates are valid from January 1 to December 31, 2009.

15.3 Compensation for Reimbursable Expenses

15.4 Reimbursable Expenses are in addition to compensation for Basic and Additional Services and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

- .1 Travel and subsistence to Jacksonville, NC;
- .2 Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets;
- .3 Fees paid for securing approval of authorities having jurisdiction over the Project;
- .4 Printing, reproductions, plots, standard form documents;
- .5 Postage, handling and delivery;
- .6 Professional renderings, models, mock-ups, professional photography, and presentation materials requested by the Owner;
- .7 All taxes levied on professional services and on reimbursable expenses, and any local professional fees;

- .8 Site office expenses; and
 - .9 Other similar Project-related expenditures.
- 15.5 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus ten (10%) of the expenses incurred.
- 15.6 The Owner shall not withhold amounts from the Architect's compensation except as stipulated by paragraph III.I.4 of the Agreement.

EXHIBIT 2
INSURANCE REQUIREMENTS
(Insert Insurance Certificates)

ARCHITECT must obtain and provide proof of the following types of insurance with the dollar limits designated, if the box is checked.

The provisions in Section II, D. INSURANCE 1-6, are applicable to the designated required insurance coverage.

- ☒ 1. Worker's Compensation Insurance: In accordance with North Carolina Statutory limits.
- 2. Comprehensive General Liability Insurance:
 - ☒ \$1,000,000 Single Limit.
 - ☐ \$500,000 Single Limit
- 3. Professional Liability Insurance:
 - ☒ \$1,000,000 per Claim/\$1,000,000 per Aggregate
 - ☐ \$500,000 Single Limit
- 4. Automobile Liability Insurance:
 - ☒ \$1,000,000 Single Limit.
 - ☐ \$500,000 Single Limit
- 5. Umbrella Liability Insurance:
 - ☐ \$1,000,000 Single Limit.
 - ☐ \$500,000 Single Limit

ADDITIONAL INSURED: The City of Jacksonville must be listed as an additional insured on the following insurance certificates:

- 1. Automobile Liability Insurance
- 2. Comprehensive General Liability Insurance
- 3. Umbrella Liability Insurance

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

EYA
P1DC 06-24-2009

PRODUCER WACHOVIA INS SERVICES INC/PHS 270314 P:(866)467-8730 F:(877)538-8526 PO BOX 29611 CHARLOTTE NC 28229		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED GANTT HUBERMAN ARCHITECTS PLLC 500 N. TRYON ST. CHARLOTTE NC 28202		INSURERS AFFORDING COVERAGE INSURER A: Hartford Casualty Ins Co INSURER B: Hartford Underwriters Ins Co INSURER C: INSURER D: INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	22 SBA DW7054	10/30/08	10/30/09	EACH OCCURRENCE \$1,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$10,000
	<input checked="" type="checkbox"/> General Liab				PERSONAL & ADV INJURY \$1,000,000
					GENERAL AGGREGATE \$2,000,000
					PRODUCTS - COMP/OP AGG \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC				
A	AUTOMOBILE LIABILITY	22 SBA DW7054	10/30/08	10/30/09	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC AGG \$
A	EXCESS LIABILITY	22 SBA DW7054	10/30/08	10/30/09	EACH OCCURRENCE \$1,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$1,000,000
					\$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input checked="" type="checkbox"/> RETENTION \$10,000				\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	22 WEC NM0945	10/30/08	10/30/09	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER \$500,000
					E.L. EACH ACCIDENT \$500,000
					E.L. DISEASE - EA EMPLOYEE \$500,000
					E.L. DISEASE - POLICY LIMIT \$500,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Those usual to the Insured's Operations. Certificate holder is an Additional Insured per the Business Liability Coverage Form SS0008, attached to the policy.

CERTIFICATE HOLDER ☒ ADDITIONAL INSURED; INSURER LETTER: A CANCELLATION

Deanna Young
Contract Specialist
City of Jacksonville
PO BOX 128
JACKSONVILLE, NC 28541

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE (10 DAYS FOR NON-PAYMENT) TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

for Tailor

GANTHUB

ACORDTM CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/18/09

PRODUCER

**HRH Professional Practice
Insurance Brokers, Inc.**
P O Box 31817
Charlotte, NC 28231-1817

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURED

Gantt Huberman Architects, PLLC
500 North Tryon Street
Charlotte, NC 28202

INSURER A: Zurich American Insurance Company

16535

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD		TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$	
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/>				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/>				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$	
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$	
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
A		OTHER Professional Liability	EOC938128700	02/06/09	02/06/10	\$1,000,000 Per Claim \$1,000,000 Aggregate	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
The aggregate limit is total insurance available for claims presented within the policy period for all operations of insured.

cc: Gantt-Huberman Architects, PLLC

CERTIFICATE HOLDER

**City of Jacksonville
Attn: Contract Specialist
PO Box 128
Jacksonville, NC 28541**

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

AUTHORIZED REPRESENTATIVE
KINDA L. LOWE

EXHIBIT 3 - CHANGE ORDER FORM

CITY OF JACKSONVILLE
CONTRACT/PURCHASE ORDER CHANGE REQUEST

_____ CONTRACT CHANGE ORDER _____ PURCHASE ORDER CHANGE

PROJECT: _____ DATE: _____

CONTRACTOR: _____ CHANGE ORDER NUMBER _____

CONTRACT #: _____ FY _____ P.O. #: _____

=====

Account Number _____ Project No. _____

Current Contract / PO Amount _____

Contract / P.O. Increase (Decrease) _____

New Contract / PO Amount \$ _____ -

Contract Days Increase _____

Justification / Description of change: _____

=====

The Above Changes Are Proposed/Acceptable:

Signature: _____ Date _____

 ** Contractor

Signature: _____ Date _____

 ** Engineer/Inspector

The Above Changes Are Proposed/Acceptable:

Signature: _____ Date _____

 Department Head

Approval of Finance Officer:

This instrument has been preaudited in the manner required by the Local
Government Budget and Fiscal Control Act

Signature: _____ Date _____

 Finance Director

The Above Changes Are Approved:

Signature: _____ Date _____

 ** City Manager

** These signatures are required for contract change orders only.

NOTICE TO PROCEED

TO: Gantt Huberman Architects, PLLC
Attn: Jeffrey A. Huberman, FAIA
500 North Tryon Street
Charlotte, NC 28202
(704) 334-6436

PROJECT: **DESIGN OF THE PUBLIC SAFETY COMPLEX**

YOU ARE HEREBY NOTIFIED TO COMMENCE WORK ON THE ABOVE NAMED PROJECT IN ACCORDANCE WITH THE AGREEMENT DATED 6/29/09 ON OR BEFORE 7/1/09 AND TO COMPLETE THE WORK WITHIN 90 CONSECUTIVE CALENDAR DAYS THEREAFTER. THE DATE OF COMPLETION OF ALL WORK IS THEREFORE ON OR BEFORE 12/22/2011.

CITY OF JACKSONVILLE

BY: Ronald Massey 6/25/09
Ronald Massey, Interim City Manager

ACCEPTANCE OF NOTICE

RECEIPT OF THE ABOVE NOTICE TO PROCEED IS
HEREBY ACKNOWLEDGED BY:

_____**ARCHITECT**

BY: _____
Signature

TITLE: _____

DATE: _____

NOTICE TO PROCEED

TO: Gantt Huberman Architects, PLLC
Attn: Jeffrey A. Huberman, FAIA
500 North Tryon Street
Charlotte, NC 28202
(704) 334-6436

PROJECT: **DESIGN OF THE PUBLIC SAFETY COMPLEX**

YOU ARE HEREBY NOTIFIED TO COMMENCE WORK ON THE ABOVE NAMED PROJECT IN ACCORDANCE WITH THE AGREEMENT DATED 6/29/09 ON OR BEFORE 7/1/09 AND TO COMPLETE THE WORK WITHIN 90 CONSECUTIVE CALENDAR DAYS THEREAFTER. THE DATE OF COMPLETION OF ALL WORK IS THEREFORE ON OR BEFORE 12/22/2011.

CITY OF JACKSONVILLE

BY: Ronald F. Massey 6/25/09
Ronald Massey, Interim City Manager

ACCEPTANCE OF NOTICE

RECEIPT OF THE ABOVE NOTICE TO PROCEED IS
HEREBY ACKNOWLEDGED BY:

JEFFREY A. HUBERMAN ARCHITECT

BY: [Signature]
Signature

TITLE: PARTNER

DATE: 7/1/09

EXHIBIT "B"

City of Jacksonville Center for Public Safety
 Jacksonville, NC
 March 2, 2011

Project Schedule

Task Name	Calendar Days	Total
Design Development (Completion)		
Design Development	42 days	
DD Submittal/Review by City	14 days	
Final DD Submittal/Approval	14 days	
		70 Calendar Days
Construction Documents		
Construction Documents	98 days	
City/D.O.I./Building Permit Review	60 days	
Final CD Submittal/Approval	14 days	
		172 Calendar Days
Bidding and Award		
Advertisement for Bids	32 days	
Bid Review and Award	56 days	
		88 Calendar Days
Construction		
Construction of New Building	548 days	
Relocation of Departments and Demolition of Existing Police/Fire Bldg.	60 days	
Completion of Construction	60 days	
		668 Calendar Days



Request for City Council Action

**Consent
Agenda
Item:** **13**
Date: 4/5/2011

Subject: Submission of NPDES Phase II Fourth Annual Report
Department: Public Services/Stormwater
Presented by: Pat Donovan-Potts
Presentation: No

Issue Statement

As required by Federal and State laws, the City has a National Pollutant Discharge Elimination System (NPDES) Phase II Permit to Discharge Stormwater. This permit became effective on March 1, 2007. As a continuing requirement of the permit, the City must report annually on its progress in fulfilling the permit's requirements. The City's Fourth Annual Report is due to N.C. Division of Water Quality on May 1, 2011.

City staff has prepared the NPDES Phase II Fourth Annual Report (311 pages), a copy of which is available upon request in the City Clerks office or viewed electronically upon request.

An executive summary is included in the Staff Report.

The City is in full compliance with its Phase II NPDES permit at this time, and the Fourth Annual Report reflects our compliance with the permit terms.

Financial Impact

N/A

Action Needed

Direct Staff to submit the Annual Report

Recommendation

Staff recommends that Council direct Staff to submit the Fourth Annual Report, describing activities performed by the City to maintain compliance with the City's NPDES Phase II Permit to discharge stormwater.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Report (311 Pages) is available in the City Clerk's Office for review or it may be reviewed electronically.



Staff Report

**Consent
Agenda
Item: 13**

Submission of NPDES Phase II Fourth Annual Report

Introduction

As a component of the National Pollutant Discharge Elimination System (NPDES) permitting program authorized by the Clean Water Act, the U.S. Environmental Protection Agency (EPA) regulates stormwater management through Phase I and Phase II of the NPDES program. Phase I applies to large and medium Municipal Separate Storm Sewer Systems (MS4s) and some industrial categories, while Phase II applies to small MS4s and additional industrial categories. Phase II includes the City of Jacksonville's MS4. In North Carolina, Phase II is administered by the N.C. Division of Water Quality (DWQ). The Phase II regulations, published on December 8, 1999, require all regulated entities to apply for and obtain a permit to discharge stormwater into its MS4. The City of Jacksonville's NPDES Phase II Permit to Discharge Stormwater became effective on March 1, 2007. As a continuing requirement of the permit, the City must report annually on its progress in fulfilling the permit's requirements. The City's fourth annual report is due to DWQ on May 1, 2010. Each subsequent annual report will be due on May 1 of the succeeding years.

Executive Summary

The City of Jacksonville is successfully implementing the City's Stormwater Plan as described by the City's NPDES Permit Number NCS000399. In preparation for writing the City of Jacksonville's Fourth Annual NPDES Report, the City's permit was reviewed by staff so as to ensure an understanding of relevant compliance requirements. Then, interviews of staff members involved in stormwater management were conducted by the City's Stormwater Manager. City-maintained databases relative to permit compliance were also examined. Thereafter, findings from interviews and review of databases were used to assess whether the City is meeting the terms and performing the activities required by the permit.

This assessment has shown that the City of Jacksonville is successfully implementing the City's Stormwater Plan as described in the City's NPDES Permit Number NCS000399 and is in compliance with all of the first, second, third and fourth-year terms of its Phase II permit. The permit details 41 total Best Management Practices (BMPs) for the City to complete by 2012. As of March 2011, the City has already completed all 41 requirements even though several did not have deadlines until 2012 of the permit term.

One of the BMPs completed during the fourth year involved the development of a storm sewer system base map and inventory of major outfalls. The map identifying major outfalls and stormwater drainage system components is completed. However, due to voluntary annexations and new development, this map will always need to be updated. Recently, a new survey grade GPS unit was purchased to capture vertical data for the City's stormwater collection system in order to continue to build the database. Since the stormwater collection system is gravity feed, it is important to have a clear understanding of which direction the drainage goes. Collection of this data can then be incorporated into the City's new stormwater modeling program called "Storm-Net". This can help identify future flooding or drainage problems throughout the City and eliminate them before they occur. To date, City staff has mapped 5,012 storm drains and catch basins, 200 retention ponds, 193 manholes, 79 miles of pipe sections, and 79.70 miles of ditches for a total of 158.70 miles of stormwater collection system within the City

A second and third BMP completed this year were the requirements to provide a public education and reporting mechanism for illicit discharges. Various measures are taken to educate the general public and to report discharges. The City distributes door hangers advertising a number to call when reporting and to date; the City has distributed approximately 4,500 door hangers. In addition, the City has sent utility bill inserts discussing stormwater and illicit discharges which also gives the number to call when a discharge is located. The City's web site has a stormwater section that covers illicit discharges, identifies different types of discharges both verbally and with pictures and informs citizens who to notify for clean up. The City's government channel, G10, broadcasts various stormwater programs throughout the month with information on who to notify when a discharge is located. The City's Grease officer contacts the stormwater division directly when a sewer line is blocked or an overflow has occurred due to grease build-up. When the Streets Division responds to citizen complaint calls, the staff makes sure to knock on the door and discuss the issue with the citizen. They also give the individual a copy of the City's drainage policy. If the person is not at home, a door hanger is left at the residence. Citizens may call to report illicit discharges on either the Stormwater Hotline or the City's general information number. Some citizens choose to report illicit discharges via email. New stormwater flyers we created to hand out at workshops, conferences and neighborhood meetings that have the number to call for reporting discharges

A summary of other BMP's required in year four is provided below. Each BMP is accompanied by a short description of the actions taken to implement the BMP.

- Review of municipality owned or operated regulated industrial activities: The City currently has three sites that are defined as industrial sites; the Public Services Compound, Land Application Treatment Plant and the Nano Filtration Water Plant. Two of the three sites have been under construction this past year and monitored on a daily basis. The Public Services Compound is inspected on a monthly basis, has not had an incident to report and is in compliance.
- Inspection and evaluation of facilities, operations and the MS4 system and associated BMPs. All City owned sites are inspected by staff on a monthly basis for potential sources of polluted runoff, the stormwater BMPs and the conveyance systems. None of the sites are out of compliance.

The Fourth Annual Report provides a more detailed account of the actions that the City has taken to fulfill the permit requirements. The report also covers steps the City has already taken towards fulfilling requirements due in later years of the permit.

Procedural History

- March 1, 2007 – The City’s NPDES Permit to Discharge Stormwater became effective.
- December 5, 2007 – AMEC Earth & Environmental, Inc. of NC awarded the contract to assist the City in the development of the City’s NPDES permit compliance effort for the period through November 30, 2008.
- January 18, 2008 – City Council Workshop at which AMEC discussed stormwater permit compliance issues.
- February 19, 2008 – City Council passed resolution creating an ad hoc Stormwater Advisory Committee for the purpose of being citizen advisors to Staff on the development of Jacksonville’s stormwater compliance effort.
- March 12, August 25, October 27 & November 18, 2008 – Staff and AMEC convened a series of Stormwater Advisory Committee meetings.
- December 9, 2008 – City Council workshop at which AMEC discussed the Stormwater ordinance proposal.
- February 3, 2009 – City Council adopted NPDES Phase II Stormwater Ordinance effective February 28, 2009.
- February 17, 2009 – City Council adopted Stormwater Permit Fee Schedule.
- February 28, 2009 – The City’s Ordinance became effective making the City the permitting authority for new stormwater permits within City’s corporate limits and ETJ.

Stakeholders

- Mayor and City Council
- Every Citizen, Landowner and Developer in Jacksonville
- City Staff

Options

Authorize Staff to Submit Annual Report – **RECOMMENDED**

- Pros – Submission of the Annual Report will satisfy the City’s stormwater permit requirements for reporting on annual progress.
- Cons –None.

Deny the Submission of the Annual Report

- Pros – None.
- Cons – The City will fail to comply with the terms of its NPDES Phase II Permit. Failure to comply with the permit is a potential violation of the Clean Water Act. Civil penalties of up to \$25,000 per violation per day may be assessed against any person who violates a permit. Criminal penalties of up to \$50,000 per day of violation or imprisonment may be assessed against any person who knowingly violates permit conditions.

Defer Consideration of the Report Submission

- Pros – None.
- Cons –The City will jeopardize compliance with the NPDES Phase II Permit.



Request for City Council Action

Agenda Item:	14
Date:	4/5/2011

Subject: Authorization for Funding Display System Replacement & Video Project

Department: Community Programs & ITS

Presented by: Glenn Hargett & Earl Bunting

Presentation: Yes

Issue Statement

The devices that provide the informational programming for the Jacksonville-Onslow Government Television are now about six years old. One of the player units of the Scala system that provides the principal support to the on-air service has failed, and a second is showing signs of distress. The Scala system was highly regarded when it was selected, but advances in the technology required an evaluation of staying with the same system or to elect a different, more scalable system that can provide other benefits to the Citizens. The replacement of one Scala unit was included in the Fy10-11 Budget.

Staff is recommending acquisition of a Cisco system as the replacement for the Scala system. The Cisco solution will provide for an excellent replacement for the current system and will provide digital displays for utilities billing office where there are frequently Citizens in line to pay their bills and Recreation Department – where there is a need to help provide information about City services and benefits. The Cisco system will also allow for playback of training videos so City staff members could be trained at their worksites and would not have to attend some required training away from their worksite, thus saving funds for gas and keeping City staff available to serve Citizens.

Financial Impact

Funding for the total project will come from the amount budgeted for the project this year and fund balance that has accrued in the Video Media Services fund. No additional funds are required. Some additional revenues from services performed by Media Services will offset the impact to the Media Services fund balance.

Action Needed

Consider the project and approve the budget amendment.

Recommendation

Staff recommends Council move to authorize the purchase and approve the budget amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Budget Amendment



Staff Report

Authorization for Funding Digital Display replacement & Video project

Introduction

The infrastructure for the Jacksonville-Onslow Government Television was designed in 2003 and the City began recording meetings shortly thereafter. One of the components was the Scala system which was selected to provide the informational programming that plays between video segments.

At the time the system was selected, it was an excellent system highly regarded and frequently used by major entities. Two years ago the system began showing signs of stress and Staff budgeted for improvements in the Fy10-11 Budget.

Since that time, one of the players has failed, and the channel has no backup within the Scala system. Staff began an intensive review of options and with considerable help from ITS, has selected the Cisco Digital Video Signage and Show and Share Video system.

Weaknesses in the Current System

The Cisco system is less complicated than the current Scala system, and allows it to be remotely operated. During significant weather and emergency events, staff has had to physically be present in City Hall to make changes in the system. If power is off to the building, the City generator provides power for ITS infrastructure and G10, but not to the offices where one part of the Scala system resides.

The current system requires three different platforms in order to get a message on the air; a designer unit where the message is crafted, a network manager unit which must be separate from the designer unit, and the player, which actually displays the message for the channel. The player unit is a specialty computer which cannot be replaced with an off-the-shelf unit.

Additionally, we have not purchased all of the current upgrades for the system so if we elected to stay with the current system, Scala will require us to pay for all upgrades published but not purchased by the City in the interim. An estimate of this amount is more than \$90,000.

In our agreement with Onslow County, we agreed to keep records of the use of the messages within the system. This is a very labor intensive task during which Staff must manually collect the files used by the system, evaluate their sponsor and use, then calculate the number of times that they played. Staff spends about two days each six months collecting usage information since there is no automated system to create the usage information.

The Cisco Solution

The solution proposed for the City provides a more comprehensive system that can be remotely operated from outside the City Hall, provide the needs for the Channel and provide services that fit more into the expanding role of Media Services in serving our Citizens the way they want to be served and to provide services to our employees that expand options for receiving training and cataloging a burgeoning video library of City functions and documentation videos.

The solution provides for digital displays in places where Citizens visit regularly, immediate communication throughout the City, a unified image, branding and voice of the City and integration with new technologies including social media.

The central device houses both the designer function and network operations. There is more flexibility for design and for maintaining the branding for the City, the County and the Channel.

The Cisco solution is used by major entities who charge for placement of items and therefore has a billing module that can be used to extrapolate the actual play of items on the channel. Whereas the current system cannot be accessed until the end of a month, the Cisco solution provides an instant review of the number of plays and displays at any time.

More Uses

The Cisco solution will now allow deployment of digital signage in the Utilities Billing office (Water and Sewer Payment Center), the Recreation Department and other locations where Citizens assemble. Messages on these players can be different from those on the G10 system but would contain some messages that are universal to all players.

The system also would allow some local control over the signage that is local but within parameters for branding, standards and design. The system control could also be used to manage signage that is being purchased by the County. The County is purchasing the same system, but without the manager component. They are to use an outside firm to generate content for their signage. The City has offered to the County services to manage the signage.

Video Solution

The Cisco solution proposed also provides for warehousing of video and a streaming service that will push the G10 signal, and several others, to web based players. The system provides for on-demand playback also. For the City, this service could allow for some training to be video recorded, and then for City employees to watch the recording of the training at their worksite instead of having to come to City Hall or some other location for training. The system also can record who watched the video.

The system can also be used to provide for a consolidated index of video recorded by the various departments and divisions. Currently most of this video is kept in storage with few outside of the organization creating the video knowing of its existence.

Financial Analysis:

The system will cost \$367,882 for all hardware and software and five years maintenance and software upgrades and on-site and off-site consulting services. The cost will be funded by the allocation to the project included in this year's Video Media Budget and funds from the accrued fund balance in the Video Media Services budget.

Procedural History

- FY11 Budget adopted with funding for digital signage improvements
- Extensive Project Requirements document prepared to solicit solutions
- November 12, 2010 current system Player failed
- October through January; investigation of systems

Stakeholders

- Viewers of the Jacksonville-Onslow Government Channel
- Citizens of Jacksonville
- Jacksonville City Employees

Options

Approve authorization for purchase and the budget amendment. **RECOMMENDED**

- Pros: Provides for a comprehensive solution that can be expanded on in the future.
- Cons: Would continue to leave G10 without a similar backup to the failure of the current system.

Deny authorization for purchase and not approve budget amendment:

- Pros: Would preserve fund balance in project fund.
- Cons: Would leave G10 without a similar backup to the failure of the current system.

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 Video Media Fund budget is hereby enacted:

VIDEO MEDIA FUND

REVENUES	BUDGET	CHANGE	TOTAL
APPROPRIATED FUND BALANCE	2,358	310,000	312,358
TOTAL ADJUSTMENTS		310,000	
TOTAL FUND REVENUES	546,882	310,000	856,882
EXPENDITURES	BUDGET	CHANGE	TOTAL
VIDEO MEDIA EXPENDITURES	546,882	310,000	856,882
TOTAL ADJUSTMENTS		310,000	
TOTAL FUND EXPENDITURES	546,882	310,000	856,882

The purpose of this budget amendment is to increase the appropriated fund balance to fund the purchase of replacement equipment.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 5th day of April 2011.

ATTEST:

Carmen K. Miracle, City Clerk

Sammy Phillips, Mayor

Attachment

A